

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
JULY 16, 2008 – 6:30 P.M.**

Board Members	Attendance	Cumulative June 2008 – May 2009	
		Present	Absent
Catherine Maus, Chair	P	2	0
Pamela Adams, Vice Chair	P	2	0
Rochelle Golub	P	2	0
Steven Glassman	P	2	0
Mary Graham	P	2	0
Tom Welch	P	2	0
Maria Freeman	P	2	0
Fred Stresau	P	2	0
Patrick McTigue	P	2	0

Staff

Greg Brewton, Director of Planning and Zoning
Wayne Jessup, Deputy Director of Planning and Zoning
Anthony Fajardo, Planner III
Michael Ciesielski, Planner II
Herb Stanley, Engineering
Randall Robinson, Planner II
Adrienne Ehle, Planner III
Deborah Rutkowski, Planning Assistant
Yvonne Redding, Planner II
Thomas Lodge, Planner II
Robert Dunckel, Assistant City Attorney
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

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Call to Order

Chair Maus called the meeting to order at 6:33p.m., followed by the Pledge of Allegiance.

Chair Maus introduced the members of the Board and explained the procedures that would be followed during tonight's meeting. Greg Brewton, Director of Planning and Zoning, introduced the Staff members present. Assistant City Attorney Robert Dunckel explained the procedures for quasi-judicial cases.

Approval of Minutes

Mr. Glassman advised that he had some corrections to the Minutes of June 18, 2008. On page 31, in the paragraph which states, "Ryan Campbell spoke in support of the project, and read a letter from Jean Goldstein in favor of it as well," the name "Goldstein" should be "Goldman."

Also, on that same page, where it states, "Joe Panico of the Central Beach Alliance spoke in support of the project and said his organization had voted in its favor, 50-2," the count should read "181 to 52."

On page 41, the Motion to nominate Pamela Adams was made by Mr. Welch and not Mr. Glassman.

Mr. Brewton announced that Staff was requesting that the Board forego approving the Minutes until the next meeting of the Planning and Zoning Board, as it is believed there are some additional changes that need to be made to the Minutes.

Motion made by Ms. Golub, seconded by Vice Chair Adams, to defer approval of the June 18, 2008 Minutes until the August 20, 2008 Meeting of the Planning and Zoning Board granted as requested by Staff. In a voice vote, the motion was approved unanimously (9-0).

Cases

		<u>Index</u>
1.	<u>Anthony Family, LTD / Paseo Del Mar</u>	Jenni Morejon 90-R-05
Request: **	Request to Extend Site Plan Approval for previously approved Site Plan Level III - Conditional Use for Mixed Use Development with Flex Allocation / B-1	
Legal Description:	Acreage in Progresso, Blocks 228, 229 and 230, P.B. 2, P. 18, as recorded in the Public Records of Miami-Dade County, Florida	
Address:	1600 East Sunrise Boulevard	
General Location:	Southside of East Sunrise Boulevard Between N.E. 16 Avenue and the Alley East of N.E. 17 Avenue	

Chair Maus explained that there was a request to defer this Item to the August 20, 2008 Meeting of the Planning and Zoning Board.

Motion made by Ms. Freeman, seconded by Vice Chair Adams to defer this Item to the August 20, 2008, Planning and Zoning Board Meeting. In a voice vote, the motion was granted unanimously (9-0).

2. **City of Fort Lauderdale / Fast-Track Items –ULDR Amendments** Adrienne Ehle 10-T-08

Request: ** *	Council of Fort Lauderdale Civic Associations – Ad Hoc Reform Committee – Fast-Track ULDR Amendments
Description:	An ordinance amending the Unified Land Development Regulations: 47-5.30 RS-4.4 Table of Dimensional Requirements 47-19.2.Z Roof Mounted Structures 47-19.4.D. Enclosure Requirements 47-19.4.E. Materials and Construction Methods 47-20.5.C. Site Circulation 47-20.5.D. Drive Aisles 47-21.2. Landscape and Tree Preservation Requirements Definitions 47-21.10.A. Landscape Requirements Chart 47-21.10.B. Landscape Requirements

47-25.3.A.3.b.iii. Screening of Rooftop Mechanical
Equipment

Adrienne Ehle, City Planner, on behalf of the Applicant, explained that this involves a request for approval of the proposed changes to the Unified Land Development Regulations (ULDR). The requested changes are based upon the Council of Fort Lauderdale Civic Associations' request for ULDR changes and amendments. An Ad Hoc Committee was formed on July 10, 2007. The Ad Hoc Committee brought their recommendations to the City Commission and made a presentation. The Board has been provided with Exhibits 1 and 2, which are the documents the Ad Hoc Committee provided as their requests in their presentation. Ms. Ehle stated that Exhibit 5 is the City's proposed ULDR language.

Chair Maus asked if these proposed changes were going to come before the Planning and Zoning Board for comment, discussion, modification, and revision before going to the City Commission. Ms. Ehle remarked that this was now the Board's opportunity to make any recommendations, provide feedback, approve them as they are, or recommend conditions. Chair Maus again asked Ms. Ehle to confirm that the proposed changes would not be coming back before the Board at a later time. Ms. Ehle responded that they could be brought back at a later time if there were changes that the Board wanted to apply.

Ms. Golub conveyed that she thought there would be an opportunity to discuss these items and workshop them, rather than just giving a blanket approval. She had many questions about this matter and was herself not prepared to vote on these without some opportunity to sit with Staff and talk about what is being proposed.

Mr. Brewton requested the opportunity to clear up any confusion that may currently exist as to this Item. He clarified that it was up to the Board at this time to make a determination if it was ready to move forward on this or if a workshop was desired. Mr. Brewton recalled that the package of the fast track items was originally provided to the Board months ago, as well as a presentation that was given by the Staff as to all items. In addition, Mr. Brewton stated, this Item was placed on the Agenda at last month's Planning and Zoning Board meeting to let the Board know that it would come up this month for approval. Mr. Brewton offered his apology if this was misleading. He offered to table this matter and bring it to a workshop in August, if the Board wished, but reiterated that he anticipated tonight's meeting to be the opportunity to move forward on these fast track items that were identified many months ago.

Mr. Brewton explained that Staff put out a Request for Proposal (RFP) for the bigger items to be reviewed by a consultant, to be brought back to this Board on a bigger platform. He emphasized that Staff was not pushing this to go forward tonight and if the Board felt that it is not ready to go forward, a future workshop could be scheduled.

Ms. Graham referenced an item under "quality of life" about the amount of pervious area decreasing and maintaining mature trees. She asserted that there was not a lot of information about how that is being ruled into this. Secondly, Ms. Graham referenced the construction management with the mitigation for light, noise and other items that extend beyond property lines. These come up on some of the items before the Board and she is not sure what the criteria will be to apply these. In Ms. Graham's opinion, these are some very important items and wonders how they will be addressed if they are voted on by the Board tonight.

Ms. Ehle explained that the fast track items are simply a selection of nine items in which Staff believed they could implement changes relatively quickly without significantly impacting other sections of the Code, or items that would require further extensive review. A consultant, Winter and Company, was approved the evening prior by the City Commission to begin to look at those items that would require further review, and to look at them in more detail to see what items can be applied to make changes in the ULDR. Ms. Ehle asserted that some items did not relate to the ULDR. For those items that can be changed in the ULDR, how would the consultant suggest going about doing so. This would include a full public participation process which would be brought back to the Planning and Zoning Board repeatedly, as well as to the City Commission.

Chair Maus asked if this Board has the ability to amend the items at this time, and Ms. Ehle responded, "Yes."

Mr. Glassman asked if, after this evening, would there be any opportunity for public hearing on the fast track items. Ms. Ehle believed it would be possible at the two readings of the City Commission. Mr. Glassman acknowledged that these fast track items have been available to the Board for the past two months, in addition to the PowerPoint presentation and back up materials. In addition, Mr. Glassman agreed that they were indeed fast track items, as they make sense and can be moved on quickly.

Mr. Glassman asked about the timeline for the consultant coming on board for the items that were approved last evening by the City Commission. Ms. Ehle advised that as of today, the Procurement Director, Kirk Buffington, has notified the consultants of their award and will begin the contract process with the City, of course, working with the Planning and Zoning Staff. It is estimated that it could take two to four weeks.

Mr. Glassman inquired as to whether these fast track items will always move on a separate path aside from the consultant's items. Ms. Ehle indicated this was correct and that if any items are approved this evening by the Board, those items can continue on to the Commission in September. Mr. Glassman suggested that if anyone had any serious concerns of any of the fast track items, that they be discussed at this time.

A representative from the Fort Lauderdale Fire Department announced that anyone who was not seated would have to watch the meeting upstairs on the 8th Floor in an overflow area where it is being televised. As seats become available, individuals could move back downstairs to this meeting room.

Mr. Stresau stated that he believed Exhibit 4 to be the fast track items, and that Staff is asking for approval of Exhibit 4. Mr. Stresau opined that Exhibit 4 is relatively simple and not controversial and questioned whether this item can be moved ahead, or whether it should be tabled.

Ms. Ehle clarified that Exhibit 4 is simply a copy of the list of fast track items that were presented to the City Commission in September of 2007, and which the Commission directed Staff to move forward. The items listed in Exhibit 5 are actual proposed Code language, and do not include the bullets, No. 2 and 3 under single family, because part of that has been incorporated into the approved RS8-A zoning district that was approved by the Commission in February. The lot coverage in FAR, among discussions with staff, was more complex than initially thought. In order to determine appropriate FAR lot coverage for the various districts and the various neighborhoods and the character of the neighborhoods in similar districts would be very difficult at this time. Ms. Ehle suggested that the consultant can look at this further and include that in their project.

Mr. Stresau asked if the Board's attention tonight is really on Exhibit 4. Ms. Ehle corrected Mr. Stresau and said it was actually Exhibit 5.

Ms. Golub asked where the Staff stands with respect to front yard living spaces. Ms. Ehle advised that this was not an item addressed on the fast track items list. Ms. Golub indicated, however, that central driveways were, and that in the presentation, center driveways were coupled with front yards used for living space. Ms. Ehle confirmed for Ms. Golub that the City is not proposing that people be permitted to put their pools and swing sets in the front of their houses.

Regarding Exhibit 5, ULDR sec. 47, page 307, D1 (at the top of the page) discussing enclosure requirements, Chair Maus noted that it suggests changing it from 4 units or more to 3. Chair Maus recommended that it be changed from 4 units to 2 units, so that it would include duplexes. Chair Maus asserted that new construction duplexes look exactly like townhouses and have the same issues and problems. As such, Chair Maus is requesting this change as to D1.

As to ULDR sec. 47.3.A.i., page 345, discussing onsite drives for two-way travel, Chair Maus asked if Staff had an opinion as to whether drives are an issue with duplexes.

Ms. Ehle responded first as to page 307 and explained that 4 units was proposed to be changed to 3 units as it was a specific request from the Ad Hoc Committee, as outlined in their document. Ms. Ehle was not sure if they would be opposed to 2 units, but advised that this could certainly be provided as an option, as a Board request.

Mr. Brewton agreed that duplexes today are being built very similar to townhouse-type developments. However, the lots of some of the smaller duplexes are generally much smaller in nature, and if it becomes a requirement, they may not be able to develop those lots. Mr. Brewton agreed that this could be looked at further, if this is a recommendation

by the Board, and Staff could look at the impact it would have on those duplex-type developments. He advised that Staff can then either go along with the recommendation, or if they feel there is a problem, Staff will express that at that time.

Mr. Brewton confirmed for Chair Maus that this would only apply to new construction. All that section says is that you have to screen your garbage, if you use bulk containers. Mr. Brewton did not know the impact it would have on the smaller duplexes. Chair Maus asked that it be included as a recommendation, and Mr. Brewton agreed.

Chair Maus asked as to ULDR Sec. 47, page 494, the screening of rooftop mechanical equipment, whether it applies to all types of residential models, i.e., duplexes, townhouses, cluster dwellings and single family homes. Ms. Ehle responded that it would apply to all development that would be subject to neighborhood compatibility.

Ms. Ehle asked to respond to Chair Maus' question as to page 345, regarding the drives, no. 3.A.i. Ms. Ehle explained that the whole section was to suggest that instead of requiring a wider drive and making it more difficult for a developer to reduce their drive widths, the idea was to say a reduced drive width is preferred, and should you need a wider drive, then you can request that or, pending the City engineer recommendations, you could obtain that.

Mr. Stresau, having sat on the Dumpster Committee many years ago, agrees with Mr. Brewton, where it says that "all business or industrial properties and residential properties elect to use bulk containers." Mr. Stresau opined that he did not think that a townhouse unit of two would elect to use a bulk container, because they can have their garbage picked up free with a standard plastic trash can. Mr. Stresau suspects that is why the change read three and not two.

As to the driveway, page 345, Mr. Stresau explained that he has had occasion to discuss with Staff and specifically, Engineering, where there were two, three or four parking spaces behind a residence, or behind an ROA zoning business. He was not sure if there was any merit in having the driveway 20 feet wide, when there are only two cars parked behind the structure. Mr. Stresau does not see any wiggle room in that it requires a 20-ft. driveway when, in fact, if there were two cars in the back of the unit, a 9-ft. or 10-ft. driveway would be sufficient, and the Engineering Department should have the ability to approve that on occasion.

Mr. Stresau stated that he was in favor of the rooftop screening, as he has been interested in that change for almost 35 years.

Ms. Golub asked if she wanted to install a satellite dish on her single-family home, would it have to be screened. Mr. Brewton stated that there is a separate section that deals with satellite dishes and that it would not apply in this instance. Ms. Ehle added that the rooftop screening falls under the multi-family proposal section and would not apply to single family homes.

Motion made by Vice Chair Adams, seconded by Ms. Freeman to approve the Fast-Track ULDR Amendments as listed above. In a roll call vote, the motion was granted unanimously (9-0).

3. CJB Real Estate Management, L.P. / CVS # 0410 Thomas 1-ZR-08
Lodge

Request: ** *	Rezoning with Flex Allocation / Rezone RMM-25 to CB
Legal Description:	Lots 10 and 11, Block 2, "Coral Ridge Addition A", P.B. 41, P. 30 and Lots 9, 9A, 12, 12A, Block 2, "Coral Ridge Addition A", P.B. 41, P. 30
Address	1815 East Commercial Boulevard
General Location	North of Commercial Boulevard between NE 18 Terrace and NE 18 Avenue

DEFERRED FROM THE JUNE 18, 2008 MEETING

Robert Lochrie, on behalf of the Applicant, advised that they were requesting a deferral until the September 17, 2008 meeting of the Planning and Zoning Board.

Ms. Graham asserted that when this item came before this Board in May, counsel for the Applicant requested that the Board not proceed with the vote and have a deferral to June, and this was granted. Ms. Graham discussed this with Commissioner Teel last week and learned that there was an outreach/neighborhood meeting at Holy Cross Hospital, and also saw an email yesterday which implied the Applicant would be asking for a deferral. Ms. Graham requested, on behalf of the homeowners, that if, in fact, the deferral is granted for September, that the Applicant adhere to that, rather than request a last-minute deferral request.

Mr. Lochrie agreed and replied that this was certainly their intent. He indicated that at the meeting with the homeowners last week, he did advise them there might be a deferral, followed by a letter and an e-mail. He added that there were also new Planning and Zoning Board members since the last time this Item was presented to the Board, thus a deferral would allow an opportunity to make a full presentation to the Board in September.

Motion made by Ms. Freeman that this Item be deferred to the September 17, 2008, Meeting of the Planning and Zoning Board.

Ms. Golub asked Ms. Freeman if she would consider an amendment to her motion, whereby the Applicant would not be permitted any further extensions.

Amended Motion, made by Ms. Freeman, seconded by Mr. Stresau to defer this Item to the September 17, 2008, Meeting of the Planning and Zoning Board, with the condition

that no further deferrals may be requested by the Applicant. In a roll call vote, the Motion was granted 8-1 (Ms. Graham dissenting).

4. Cortez Hotel / Cortez Property Development, LLC Anthony Fajardo 148-R-07

Request: **

Site Plan Level IV / Hotel / PRD

Legal Description:

Lots 7 and 8, Block 4 – AMENDED PLAT OF LAS OLAS BY THE SEA SUBDIVISION, according to the plat thereof recorded in P.B. 1, P. 6, of the Public Records of Broward County, Florida. Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 14,978 square feet or 0.3438 acres more or less

Address

2926 Cortez Street

General Location

SE corner of Cortez Street and Seabreeze Boulevard

Disclosures were made by the Board, and anyone wishing to testify on the matter and who were present in the City Hall Commission Chambers at this time were sworn in.

Debbie Orshefsky, representing the Applicant, introduced Land Planner, Cecelia Ward, and marked as evidence the following:

- | | |
|---|---------------------|
| • Qualifications of Ms. Ward | Ex. A-1 (composite) |
| • Qualifications of Alan Tinter, Traffic Engineer | Ex. A-1 (composite) |
| • Qualifications of Alfredo Udick | Ex. A-1 (composite) |
| • Proxy voting for the Central Beach Alliance | Ex. A-2 |
| • Letters in support of the project | Ex. A-3 (composite) |
| • Booklet: "Cortez Hotel – Applicant's Presentation Materials" | Ex. A-4 |
| • Backup materials, including applications, reports, and analyses contained within the P&Z file | Ex. A-5 (composite) |

Ms. Orshefsky introduced co-counsel, Bill Spencer and James Blosser.

Ms. Orshefsky stated that she also wanted to officially consider as part of the record in this proceeding all of the applications, reports and analyses that are in the file and the backup that was provided to this Board, particularly the narrative which Ms. Ward will discuss.

Ms. Orshefsky expressed it was a unique opportunity this evening to bring forth a project that does not request any deviations from the Code, but rather has been designed to comply with all ULDR requirements. While referring to a slide showing the location of the

property, Ms. Orshefsky explained that it was bounded on the north by Cortez Street, by Seabreeze/A1A on the west, Poinsettia on the south, and the Las Olas Beach Club development on the east.

Originally, the project was designed differently and had received feedback from both Staff and the community which prompted changes that are before the Board tonight. Ms. Orshefsky advised that the developers had an extensive public outreach campaign which included calling associations, writing associations, and the services of Tanya Faleteg who worked very closely with all of the different community groups to set up meetings and to act as a conduit for their feedback in order to transform this project into something that could be supported.

Ms. Orshefsky contended that letters in support of the project were submitted entitled "Proxy voting for the Central Beach Alliance," which included support from Le Club, La Rive, the Seville Apartment Association, the Maynard Association, and the View. In addition, also submitted was a stack of support letters from residents throughout Fort Lauderdale. Ms. Orshefsky directed the Board to ULDR 47-12.2, The Intent and Purpose of each District in the Central Beach, No. 1 being the Planned Resort Development District, which is the District affecting this Applicant, zoned PRD (Planned Resort Development District). This section of the Code states: "The Central Beach is a destination resort and county-wide asset." Therefore, Ms. Orshefsky stated, it concerns not only the residents on the beach, but all the residents of Broward County.

Ms. Orshefsky advised that since 1989, when the Central Beach Zoning came into effect, a Code was adopted. As a result, projects such as Jackson Towers were built, which people claimed was too big, and the Code was then changed. Thereafter projects such as Las Olas Beach Club were built, which Ms. Orshefsky stated that everyone claimed was too big. Thus, the Code was again changed. Ms. Orshefsky introduced a City employee on staff at that time, Cecelia Hollar, now known as Cecelia Ward. Ms. Ward was, according to Ms. Orshefsky, one of the principal craftspeople of the Central Beach regulations, and particularly the neighborhood compatibility provisions.

Ms. Ward advised that she would be stating the facts that will demonstrate how the proposed Cortez Hotel not only complies with the ULDR requirements (such as dimensional, setback, FAR), but on neighborhood compatibility provisions, as well as the basis for the zoning which is the City's Comprehensive Plan, adopted in 1990, amended in 1998, as well as the Beach Revitalization Plan, which provided the framework for both the land use plan and zoning districts adopted for this area.

Ms. Ward stated that the Comprehensive Plan and the future land use designation for this area is called Central Beach Regional Activity Center. These areas are regional activity because they are supposed to attract people from the region to an area that has something to offer, which in this area happens to be the beach and its recreational activities. This area calls for a mixed use development. The Las Olas Beach Club is to the east of the property, the Marriott Hotel is to the north and Jackson Towers is to the

west. The idea of the land use designation was to increase the attractiveness of the area for tourists and to support a diversified economy.

Ms. Ward explained that the PRD is the center of the Central Beach, and is referred to as the focal point of redevelopment in the revitalization plan for this area. It encourages hotel, eating and drinking establishments, tourist attractions and shopping, which are predominantly tourist-type uses. As such, the Applicant is proposing a hotel, with a restaurant on the third floor, some meeting room space, which is all consistent with the land use plan, the revitalization plan and with intent of the PRD designation.

Ms. Ward stated that she would address how the project meets the design and community compatibility criteria:

- The hotel is compatible with the character of the overall plan of development contemplated by the revitalization plan.
- The architectural design is compatible with the design guidelines, most predominantly at the ground floor.

The goals of the Central Beach plan that are stated in the zoning code are to enhance the resort image, create resort and hotel development that caters to a mixture of uses, and to discourage additional residential development which conflict with tourist uses.

Mr. Dunckel asked Ms. Orshefsky if she would allow him to swear in the additional public wishing to speak on this issue outside of the meeting room, off the record, in order to allow the Applicant to continue with its presentation. Mr. Dunckel offered to then announce on the record that they had been sworn. Ms. Orshefsky agreed that this was acceptable.

Chair Maus advised Ms. Orshefsky that 15 minutes had already been used for the Applicant's presentation. Ms. Orshefsky requested an additional 8 minutes, and Chair Maus agreed.

Ms. Ward referenced pages 8 through 10 of the Applicant's narratives before the Board, which showed the architectural design elements where the beach revitalization design guidelines were met, including the following:

- Decorative metal grates over the garage openings, entryways and lobby;
- Horizontal treatment of the building which breaks up the mass both horizontally and vertically;
- Significant treatment at the ground floor, such as sitting areas, extensive tropical landscaping and sidewalks, a retail area, fountains.

In addition, Staff had requested that the type of pavers and shade trees be carried through from the Las Olas Beach Club, which had been complied with. In addition, the building has been stepped back significantly at the third floor at Cortez Street.

The Applicant was sensitive to how the building would face the western side of Las Olas Beach Club, thus the windows have been angled so that one cannot see directly into the hotel rooms or directly out from the hotel rooms. There is a decorative wall with color for some façade treatment, and the openings have been limited on that side as well.

Ms. Ward stated that one of the key components on Seabreeze Boulevard was to ensure that the Applicant provided a significant sidewalk, 10 feet or greater in size. The SLA streetscape plan was complied with, although it was not a requirement, in order to be consistent with other streetscape plans for other projects. Therefore, the entire area has been reconfigured from what was previously proposed. There are now seating areas, undulation of the building, a significant area for pedestrians and bicycles, bicycle rack parking, as well as bicycle paths around the site.

The vehicular use access, Ms. Ward explained, is provided predominantly at Poinsettia Street, and all parking is below grade to make sure there would not be impacts from glare of parking vehicles or noise of vehicles. In addition, the parking is in excess of what is required by the Code. All stacking requirements have been met. There will be a loading area on Poinsettia; however, there is not a loading requirement. The loading area allows for vehicles to pull straight out, in order to avoid beeping backup noises of vehicles. All dumpsters are located internally, reducing noise, odors and visual impacts.

Ms. Ward contended that the surrounding projects were approved with variations and/or modifications in excess of the Code requirements, while the Cortez Hotel meets and exceeds all of the Code requirements presently on the books.

With respect to neighborhood compatibility, most of what Ms. Ward went over is already required under the Central Beach component of the zoning code. There are provisions which are not applicable in the neighborhood compatibility section of the Code and there are provisions that are applicable to projects such as this one. By definition of the Code, the Cortez Hotel does not abut a residential property.

Other requirements that have been met are the screening of rooftop mechanical equipment and the rooftop activity requirement which had been met by the rooftop pool deck. There will be a sundry store on the street level, as well as a walk-up window to purchase soda and snacks.

Ms. Orshefsky introduced the following additional documents into evidence, which the Applicant may use in rebuttal:

- | | |
|---|---------|
| • Building separation | Ex. A-6 |
| • Cortez elevation | Ex. A-7 |
| • Las Olas Beach Club Typical Floor Plan | Ex. A-8 |
| • Copy of Mediated Settlement Agreement between
City of Fort Lauderdale and Lauderdale Beach | |

- Hotel, LLC
- Official Prospectus from the Las Olas Beach Club Condominium

Ex. A-9

Ex. A-10

Ms. Orshefsky stated that the Applicant would like the opportunity to have any rebuttal at the conclusion of the public presentations and understands that there are objectors in attendance with experts and would, therefore, expect rebuttal to take more than would be typical.

Anthony Fajardo, City Planner, stated that this is a request for a 151-room hotel with an overall height of 200 feet. Included within this proposal are a 1600 sq. ft. restaurant, 800 sq. ft. bar, 800 sq. ft. lobby lounge, and 5100 sq. ft. of public meeting space. The Applicant is proposing to submerge the parking. Pedestrian entrances will be located on Seabreeze, Cortez and Poinsettia Streets. The hotel uses are required to be reviewed as a Site Plan Level IV.

Mr. Glassman asked Mr. Fajardo to refer to Exhibit 3 where there was a letter addressed to Mr. Fajardo from David Bergen. Mr. Bergen raised some issues as to the water table at that location, as the developer plans on going 35 ft. below grade to accommodate the 224 parking spaces. The letter expressed concerns about damage to adjacent building foundations and whether the proposed generators and pumps would be able to pump the flood water out, if necessary, during heavy rain. Mr. Glassman asked Mr. Fajardo his opinion as to these concerns. Mr. Fajardo deferred to the engineering staff, but stated that most of those issues would be addressed at the permitting stage. Mr. Fajardo added that the Staff report was finalized mid-last week and there were an additional 45 letters in opposition received by Staff since then. Mr. Fajardo indicated that he could provide those copies to the Board if they wished to see them.

Mr. Glassman added that, per the letter, it stated that within 30 feet is a rather large building foundation, and that going 35 feet below to accommodate the parking was a major concern.

Herb Stanley, Engineering Staff, responded that this stage addresses only the site plan. Once the applicant comes in for engineering and permitting, there will be a detailed review as to the foundation and the structure.

Mr. Glassman said that he noticed some inconsistencies between the Staff report and backup and the materials that were distributed to the Board this evening. Mr. Glassman asked Mr. Fajardo if he was aware of the difference in the handouts provided this evening and the materials provided by Staff before this evening. Mr. Fajardo explained that the header in the Staff report indicated the wrong height and wrong number of hotel rooms. However, the body of the Staff report is correct. Mr. Fajardo confirmed for Mr. Glassman that, based on the submitted site plan that Staff reviewed, the data within the Staff report, such as square footage and locations of lobby, lounge and bar, is consistent with the project as being presented this evening.

Ms. Golub stated that one of the issues that have come up with other smaller hotel developments is the amount of space that is provided for cars to pull in, check in and move out. Upon walking around the property, Ms. Golub recalled there was a very narrow two-lane highway that runs along Seabreeze in front of this property, there is no street parking, and the Las Olas Club parking entrance is just to the other side of their property line. Referencing the traffic study, Ms. Golub asked if there was any concern as to the ingress and egress, and whether there is enough room provided for an average number of people to check in.

Mr. Fajardo deferred to engineering, however, he stated there are criteria in the Code for stacking that the engineer can better address, but the site plan does meet those criteria. Mr. Fajardo believed the traffic report is more concerned with the impact to the area. He stated that the City's traffic consultant was also available for comment.

Ms. Golub said that she would like to hear his report on the record with respect to people coming and going from the hotel and the impact on the traffic at that intersection.

Jose Rodriguez, transportation engineer with Keith & Schnars, the City's traffic consultants, explained that he has gone over this project for the past year. The first traffic study was done about a year ago in 2007. Mr. Rodriguez admitted that there has been concern because all parking will be by valet. He indicated that there was also concern about stacking, but feels there should be enough space allocated for that purpose. There are six to eight linear spaces being allocated for stacking, plus four other parking spaces within the first level which would be used for interior stacking. It is believed for this scale of hotel, it should be enough. The Applicant has been asked to provide more of a description as to how the valet parking will operate and, in fact, a valet agreement is a contingency of DRC approval.

Mr. Brewton indicated he was going back to something previously discussed, as he believed the Board may not have understood what was happening. He referenced Mr. Glassman's comment about the package containing the site plan that the Board reviewed prior to this meeting, being different in some aspects from what was presented by the Applicant tonight. Mr. Brewton asked to clarify what those differences were because Staff had reviewed the plan that was sent to the Board for compliance with the Code. Mr. Brewton asserted that if there is a difference with what has occurred in that plan, those differences need to be illustrated. Mr. Brewton clarified that Staff had not seen those differences.

Both Mr. Glassman and Ms. Golub indicated that there were differences between the exhibits reviewed by the Board prior to this evening and during this evening.

Ms. Orshefsky maintained that there were absolutely no differences from the materials that were reviewed by this Board and in their packet, those that were reviewed by DRC and those that were signed off by DRC. She remarked that what was being seen this evening were rendered versions of the building, similar to those types of renderings which

she routinely provides to the Board. There are no changes from what was submitted. Ms. Orshefsky stated that part of what may have confused some members of the Board, and which was discussed with Mr. Fajardo, was a misstatement on the Staff report above the block which indicated it was a 358 room hotel, but that wasn't done by the Applicant.

Chair Maus asked Mr. Glassman to state specifically to what he is referring. Mr. Glassman noted that the Staff report says the building height is 200 feet, and asked Ms. Orshefsky if this is correct, which she acknowledged. Mr. Glassman commented that he may have misread, but thought he had seen something indicating the building height would be 168 feet. Ms. Golub stated that it was so indicated on Slide 3. Ms. Orshefsky stated that this is shown on that slide as the Applicant has offered in community meetings to reduce the overall height of the building from the permitted 200 feet to 168 measured height for about 90% of the building, and then 10% will have a "pop-up" for the exercise room, that would bring the building to a maximum measured height of 174 feet. That plan, Ms. Orshefsky advised, is not before the Board this evening. She announced to the Board that the architect was in attendance this evening.

Mr. Glassman expressed to Ms. Orshefsky that he does not appreciate such an approach when coming to the Planning and Zoning Board this evening and finds that it muddies the waters.

Ms. Orshefsky responded "yes" to Mr. Glassman's question that there was still a third floor restaurant, bar and public meeting space. Mr. Glassman offered that in some of the discussions that he had before this evening, which he had disclosed to the Board, he was told that there was no longer a bar because the developers had a very strong sense that there should not be any liquor sold on the premises. Ms. Orshefsky said that she would have the developers respond to that specifically, but that the only place that liquor would not be sold is the walk-up window where cold drinks and snacks will be sold. The third floor full-service restaurant will have normal restaurant provisions as well as liquor available.

Chair Maus asked if there were any other discrepancies in what was submitted and what was presented tonight. Mr. Glassman claimed that those were the main discrepancies.

Ms. Graham asked the Applicant if the two sets of drawings submitted to the Board were the drawings that were part of the application tonight or whether they reflected the reduced height that was being offered. Ms. Orshefsky responded that the Applicant is willing to discuss that, should the Board want to entertain it, as they have a solution that would not change the exterior appearance of the building, but that the building before the Board this evening was what was reflected in the plans.

Mr. Glassman, upon reviewing the Staff Report, noted that the total estimated cost of the project was \$27 million, and asked if this was an accurate figure. Ms. Orshefsky responded that it was. Mr. Glassman expressed that in this day and age and knowing what projects on the beach have cost, \$27 million is a very low total amount of dollars for a project of this size.

Mr. Glassman referenced that Ms. Orshefsky and Ms. Ward quoted Section 47-12.2 of the PRD, but that the entire quote was not read. He then read the section as follows:

Planned Resort Development District is established for the purpose of promoting the development and redevelopment of the area immediately north of Las Olas Boulevard, generally between the Atlantic Ocean and Intracoastal Waterway, as a high quality, public and private, mixed use area that is the focal point of the central beach as a destination resort county-wide asset. This District is intended to permit and facilitate the redevelopment of the area as a world class resort, but is commensurate with the character and value of the Atlantic Ocean and the city's long reputation as a tourist destination.

Mr. Glassman further stated that he did not believe a project in this area costing \$27 Million fit Section 47-12.2. Ms. Orshefsky responded that the cost of construction had absolutely no correlation to the Code requirements, and would submit to the Board that the proposed hotel fits beautifully to round out the mixture of hotel opportunities that the revitalization plan has mandated. She advised that Scott Brush, a hotel market analyst, was present this evening on behalf of the Applicant. Mr. Brush has done a market analysis on this site and, Ms. Orshefsky noted, he can discuss those issues if asked to do so.

Mr. Glassman asked for clarification that the \$27 Million included land and costs of construction. Ms. Orshefsky stated that this was a construction cost, excluding land. Mr. Glassman advised that he was now looking at the Staff report and it indicated that the "total estimated cost of project" is \$27 million "including land costs." Ms. Orshefsky responded that this figure then is incorrect.

There being no additional questions from the Board, Chair Maus opened the hearing to the public and advised that there was a 3-minute time limit requirement for comments. Chair Maus echoed Mr. Dunckel's previous instructions to the public that the comments not be repetitive. She reminded all present that once everyone in this room had spoken, there would then be an opportunity for those not present in this room to speak.

Neil Schiller, Esquire, from Becker, Poliakoff, representing the Las Olas Beach Club, stated that on May 16, 2008, he submitted a letter to the City advising that they are an interested party as being directly adjacent to the proposed location. Because this is a quasi-judicial matter, Mr. Schiller claimed that he and his client, Las Olas Beach Club Condominium Association, Inc., expected to get equal time. Chair Maus questioned if the people behind Mr. Schiller in line were also with the Las Olas Beach Club Condominium Association, Inc. Mr. Schiller responded that, yes, probably many of them were. Chair Maus stated that this would mitigate against Mr. Schiller's request for extra time as the idea of allowing an association extra time is because they speak on behalf of others. She contended that it did not appear he would be speaking on behalf of many people. Mr. Schiller expressed that many of the people wearing red shirts were sitting down in the

audience and were also outside the meeting room doors. He suggested that each of these people could take 3 minutes to speak, or it could be a very efficient hearing and limit it to the people standing in line.

Chair Maus asked the Board if they wanted to increase the Association's time more than 5 minutes. Ms. Graham felt that the Board should give them enough time to present their side and preferred to give them additional time. Mr. Stresau opined that the Board should give them an adequate amount of time and that anyone from their organization that they represent had forfeited their time to speak. Mr. Glassman said that he felt this was a little harsh, especially because a lot of people came down to speak and that it is important when people come and have something to say to let them speak. He suggested perhaps allowing 2 minutes, rather than 3 minutes per person. He also suggested that the Association be allotted an additional 5 minutes, for a total of 10. Upon polling the Board, it was decided that 10 minutes would be provided to the attorney for the Las Olas Beach Club Association to speak.

Mr. Schiller stated that he had a number of experts and documents to submit for the record. He acknowledged that the experts would be a part of the allotted 10 minutes. Mr. Schiller offered the following exhibits as evidence to be marked:

- | | |
|-------------------------------|---------------------|
| • Resumes of expert witnesses | Ex. O-1 (composite) |
| • Traffic Consultant's report | Ex. O-2 |

Bill Spencer, co-counsel with Debbie Orshefsky, stated as an evidentiary matter that he objected to the reports being considered as evidence unless they were properly proffered with testimony, as they would otherwise be hearsay. Mr. Spencer indicated that he had never seen them and, as such, would have no idea how to respond to them unless they articulate, at least in substance, what they say. With respect to the documents being corroborative of what a witness would say is one thing, Mr. Spencer stated, but the Applicant would object to the documents speaking for themselves as evidence and would move to strike.

Mr. Dunckel stated that he understood his position, but the Florida Rules of Evidence were not applicable in quasi-judicial proceedings. Mr. Spencer admitted that he agreed with that, to an extent, but the hearsay or formal rules required that there be probative evidence material to the issue which is supported by those. Mr. Spencer reiterated that he objected.

Mr. Dunckel explained that the challenge that counsel faced is that any finding that this Board may make could not be predicated solely on hearsay, but hearsay otherwise is something that they may consider. Mr. Spencer advised that he agreed to that point, but felt that the witness itself would have to be the evidence, only supported by the report. He again stated that their problem was that they had never seen the report and, therefore, had no way to rebut it. Therefore, he objected to the procedural process evidentiary-wise.

Chair Maus stated that their objection was noted for the record. Mr. Dunckel advised that he did have to concede the fairness argument and due process in that they had not had an opportunity to review the exhibits. As such, it was very difficult for them to be able to fashion a rebuttal. Mr. Dunckel stated that he would leave that in the discretion of the Board as to whether this should be admitted into evidence at this time.

Mr. Schiller again stated that they would have their experts proffering to the testimony, so it would not be an issue. Chair Maus asked Mr. Schiller to proceed.

Mr. Dunckel noted the following additional exhibits which were entered into evidence and marked at this time:

- Multiple copies of PowerPoint Presentation Ex. O-3

Mr. Schiller acknowledged that with him this evening were Kevin Marko and Keith Poliakoff from his office, along with Michelle Melgram, Melgram Planning Group; Richard DeCesare, McMann Traffic & Associates; and Dodie Keith, Robert McSweeney and Mike Vondermuellen from Keith & Associates. Mr. Schiller stated for the record that he was objecting to the Applicant's presentation as they had never submitted a letter asking for more time than the allotted time, and believed they were given 20 minutes for their presentation.

Mr. Schiller declared that tonight's hearing was quasi-judicial, and the standard of review was competent and substantial evidence. He requested that the Board recommend denial to the City Commission. Mr. Schiller referenced various handouts and slides being presented which showed the geographical location of Las Olas Beach Club and the site at issue, as well as the surrounding land uses, such as retail and residential, and various landmarks around the Las Olas Beach Club.

Mr. Schiller recalled that this evening the Applicant said the Las Olas Beach Club was a mixed use building. He pointed to a Staff Report dated April 22, 2008, when the City Commission heard this item, wherein Staff noted that this was a residential project and a residential use. The 3 phases of the Las Olas Beach Club were then shown as being a hotel, garage and residential tower.

Mr. Schiller acknowledged that for the last several weeks, they had been advised this was a 174-foot project in height, not the 200 feet proposed today. He agreed this project consisted of 154 rooms, but that minor modifications could be made to easily turn that 151 into 229 rooms. They were told that the proposed room rates would range from \$150 to \$250 per night, and that the property would be a Holiday Inn. Mr. Schiller then showed a slide entitled "lock-out rooms," where the addition of one door and the closure of one wall were depicted.

Next, Mr. Schiller discussed that with the Planned Resort Zoning, it was supposed to be a high quality area. The District was intended to permit and facilitate the redevelopment of the area as a world class resort. Mr. Schiller contended that the Holiday Inn was not a world class resort.

Mr. Schiller introduced Michele Mellgren who would be discussing the project's violations of the Fort Lauderdale Beach Community Redevelopment Plan. Ms. Mellgren, as the Principal of the Mellgren Planning Group, advised that she was a professional urban planner with 25 years of experience, was certified by the American Institute of Certified Planners, had qualified in Circuit Court as an expert witness, and previously worked for the City of Fort Lauderdale from 1989 to 1994 on the beach redevelopment project.

Ms. Mellgren found that there were nine provisions of the Land Development Code, the City's Comprehensive Plan or the Beach Redevelopment Plan that this plan did not meet. The Beach Redevelopment Plan was significant because the Land Development Code stated in Section 47-12.5.A.4., that no development was to occur in the PRD district on less than 10 acres unless the development, redevelopment or use was consistent with the Community Redevelopment plan. Ms. Mellgren stated the following inconsistencies:

- Section 2.3.4.c of the Redevelopment Plan called for building spaces between structural masses to all for the natural breezes and sunlight, as well as maintenance of the views from existing buildings to the ocean and the Intracoastal Waterway. The proposed building at 200 feet and just 30 feet away from the Las Olas Beach Club would block the breezes and create shadows.
- A shadow study was performed which demonstrated that the majority of the Las Olas Beach Club would be shaded by the proposed hotel virtually all year round in the afternoon, without much variation in the height of that shadow.
- Virtually all western views of the majority of the Las Olas Beach Club would be eliminated. Instead the view of the residents of the Las Olas Beach Club would be into the hotel rooms. The ocean view that the hotel occupants would have would be into the private living spaces of the Las Olas Beach Club.
- Section 2.3.4.d. of the Redevelopment Plan addressed setbacks, and stated that all building setbacks shall be measured from future corridor rights-of-way. Seabreeze Boulevard is on the Broward County traffic ways. It is supposed to be 85 feet in width and requires the Applicant to provide additional dedication. The setback on this application was measured from the existing property line and not the future right-of-way, as required in the Redevelopment Plan. Therefore, this building would be sitting right on the edge of the right-of-way.
- The electrical transformers and exhaust fan from the garage would be in the right-of-way, which is in violation of Objective 13 of the Comprehensive Plan which stated that the City would continue to provide for protection of existing or future rights-of-way from building encroachment.
- Policy 13.1 of the Comprehensive Plan stated that the City should continue to protect existing or future transportation rights-of-way, as identified by Broward County.

- Policy 13.5 of the Comprehensive Plan stated that the City should continue to protect future rights-of-way and require conveyance of a right-of-way, preferably through fee simple dedication, consistent with the City's own transportation plan. This project proposes an easement only and, therefore, is not consistent with the Comprehensive Plan.
- The site plan uses the easement area in the calculation of the FAR and if the easement was dedicated as right-of-way, as required by the Comprehensive Plan, the building would have an FAR of approximately 7.48 instead of the maximum 6 that is allowed by Section 47-12.5.A.5 of the ULDR.
- Section 47-12.5.A.4 of the ULDR stated that no development or redevelopment should be carried out unless it is consistent with the Community Redevelopment Plan, which she feels it is not.
- Section 47-25.3.A.3.c., of the ULDR addressed setbacks and stated that if a nonresidential use, such a hotel, was contiguous to residential, there should be additional setbacks required, specifically Section 47-25.3.A.3.i., of the ULDR required an additional foot of setback for each foot of height over 40 feet, up to a maximum of $\frac{1}{2}$ the width of the building. In this case, this proposed development should be 100 feet from the Las Olas Beach Club. The residential tower of the Las Olas Beach Club was contiguous to the proposed hotel.
- A landscape strip and buffer should be provided, as required by Section 47-25.3.A.3.c, and subsections thereafter.

Ms. Mellgren maintained that the Applicant did not meet Neighborhood Compatibility and did not mitigate the adverse impacts of shadow and scale. The proposed 200 foot tower against the entire back of the Las Olas Beach Club did not meet the ULDR standards as it did not maintain views, but instead created shadows.

Bob McSweeney, Registered Engineer and Principal of Keith & Associates, advised that he was here to discuss an engineering review of the plans and calculations, and an assessment of the project based upon the available information obtained from the City. He stated that he had identified legitimate concerns relative to the proposed development. With respect to paving and drainage plan, he noted the following:

- The storm water management system, as designed, was located with the majority of the system, including drainage structures, located either within the existing right-of-way easement or within the proposed right-of-way dedication. Upon expansion of Seabreeze Boulevard, the site would have no available storm water management system and would eliminate any available connections to the site.
- The storm water management system also provided for connections with the proposed building's roof drainage system. There was no allowance for the additional contribution from the roof area. Potential runoff into the adjacent roadways was likely and may contribute to a rapid deterioration of the drainage system.
- The planned grading pattern directs storm water runoff towards the perimeter of the site and adjoining roadways and did not provide for perimeter berm.

- The drainage calculations indicated that the calculated or required minimum finished floor elevation was higher than the elevation as shown on the submitted paving and drainage plan.
- There were inconsistencies in the calculations, including the average site elevation, which would affect the ultimate finished floor elevation as well as utilization of an assumed percolation rate in the determination of the exfiltration trench sizing. The inconsistencies would further result in an increased minimum finished floor elevation.
- With respect to the water and sewer plan, the planned location of the water and fire lines posed a constructability concern and maintenance nuisance due to the close proximity of the proposed mains with respect to the developed property to the east and the proposed building face.
- Landscaping and trees are planned to be located atop the proposed water mains, further inhibiting access to the mains.

Richard DeCesare, Senior Project Manager with Mc Mann Associates advised that they were retained to review the traffic studies. He provided 18 technical comments of the report that outlined inconsistencies, omissions or errors of analysis, and believed the report should be modified and the conclusions redefined. Mr. DeCesare, after speaking with the City Staff, determined that there were 5 developments that should have been included in the future layer of traffic, that were not included in the Applicant's analysis.

Mr. DeCesare stated that as to the analysis of peak traffic, the Applicant's report referenced 4:00 p.m. to 6:00 p.m., on a week day and Saturday. This time frame was consistent with commuter corridor traffic. Because Fort Lauderdale beach area is a destination, the peaking trends are typically mid-day and early afternoon, and traffic is heavier on a Saturday. Mr. DeCesare advised that they conducted a traffic study on Friday, Saturday and Sunday, with continuous traffic counts for 72 hours. Their study showed that traffic peaked on Seabreeze Boulevard at 1:00 p.m. Traffic peaked on Cortez and Poinsettia at 2:00 p.m., with the drop-off in peak activity between 5:00 to 6:00 p.m.

Mr. DeCesare claimed that the Applicant's report did not document heavy truck traffic whatsoever, when typically at least a minimal amount of 2% to 3% would be included. Their own traffic study showed significant truck traffic. Mr. DeCesare displayed photographs on Cortez which showed significant delivery activity and service providers.

Mr. DeCesare also addressed that there existed restricted site lines on the roadways surrounding the property, which included the existing building, trees and fence line.

Chair Maus commented that the last two speakers were circumventing the 10-minute rule given to them, as they are paid consultants and not members of the public.

Brian Cohen, a resident of Harbor Inlet and Registered Lobbyist for the Cortez, spoke in support of the Cortez Hotel development. Mr. Cohen claimed that this Hotel will provide

fair, reasonable, respectable accommodations at the epicenter of one of Florida's most popular and famous beaches. Mr. Cohen expressed that there is a need for more affordable lodging at Fort Lauderdale beach for the "mid-market family," as there were many more high priced resorts which were not accessible to such a market.

Carlos Robles, a Las Olas Beach Club resident, Unit #2105, had 60 letters in his possession from residents that could not attend this meeting. He pointed out that Mr. Cohen, the previous speaker, was the developer and an equity partner for the group. Mr. Robles discussed various slides before the Board depicting the history of the beach from spring break to the present. He stated there were already 16 hotels that had very affordable family-oriented pricing, some under \$100 per night. He opined that this project is not in line with the master beach vision. He urged the Board to deny this proposal.

Mr. Dunckel stated that he was marking the 60 letters into evidence as:

- 60 letters from Las Olas Beach Club residents Ex. O-4

Beatriz Martinez Robles stated that until last year she resided in Weston, as it was always her dream to move to Fort Lauderdale beach. It was the Las Olas Beach Club and the master plan for the area and beautification already taking place that drew her and her husband to the area. In addition, both her and her husband's businesses were moved this year to downtown Fort Lauderdale. She expressed concerns about the Las Olas Beach Club and the Cortez Hotel sitting so close together, and that the property will affect the look and feel of the area. Ms. Robles stated that the current residents' lifestyles and property values would be changed due to having a structure so close to their windows and balconies. Ms. Robles also expressed concerns as to increased traffic to an already congested and dangerous intersection.

Ralph Jorge, a unit owner at the Las Olas Beach Club, stated that the site was "a sliver of land no larger than this room." He advised that he was in the hotel business in the 1970's with the Marriott corporation, opening hotels as far away as Saudi Arabia. From a liability standpoint, this project concerned Mr. Jorge, and he wondered how the developers would be able to build this project for \$27 million.

Amos Chess, a 20-year Fort Lauderdale resident and Las Olas Beach Club resident, expressed that he felt the Cortez building would be too close to the balconies and would affect the residents' privacy.

John Mayers discussed the loss of the family market hotel, as there had been a dramatic change in the affordability factor in Fort Lauderdale. He referenced the Best Western which had become the Pelican Beach, a 4-star hotel; the 17th Street Best Western is closed for development; the Holiday Inn on Sunrise was closed; Howard Johnson's was closed; Ireland's Inn just closed; the Sheraton Yankee Trader was closed to become a 4-star Weston; and the Marriott on 17th Street was upgraded as the LXR. Mr. Mayers stated that there was a need to address the moderate family traveler, which was now

missing from our community, as the affordable properties have been replaced with high-end 4- and 5-star hotels.

Kimberly Rudnik, native Fort Lauderdale resident, expressed that a moderately-priced hotel was needed. She stated that she had confidence in the City's engineering and planning departments to handle glitches, such as drainage issues, that may come along. Ms. Rudnik advised that she was in support of the Cortez project.

Ralph Jorge, Jr., stated that he felt there is currently a large choice of hotel accommodations on Fort Lauderdale beach that not only match the same type of amenities that the Cortez Hotel will offer for similarly priced rates or less.

Joe Panico, Corresponding Secretary for the Central Beach Alliance, advised that this project came to the Central Beach Alliance membership on November 29, 2007, at which time the vote was 115 against and 52 in support. The team then revised the building site plan and presented to the membership a second time on May 22, 2008, at which time the vote was 195 against and 124 in support. Therefore, the CBA does not support the project.

From a personal opinion, Mr. Panico expressed that Fort Lauderdale beach was lacking in mid-priced hotels. Upon canvassing the beach area, Mr. Panico found 20 abandoned, boarded-up buildings from Sunrise Boulevard to Harbor Drive, all east of the Intracoastal Waterway. He conveyed concerns that this would become a big problem in years to come if something was not done. Mr. Panico advised that he supported the Cortez hotel and that he did not feel the building is too big for the site.

Rick Manusco, a resident of Las Olas Beach Club on the southwest corner of the 23rd floor, advised that he had a view of the intersection below and that there were a lot of accidents that occur there. He stated that there was a lot of ingress and egress from the City parking lot on the Intracoastal up Poinsettia Street on the south side. There were also two private parking lots that also feed the beach on the south side of the building, as well as another private parking lot at Poinsettia at A1A. There was also a lot of pedestrian traffic. On the Cortez side, it is a maze of driving your car through there with the amount of delivery trucks that are there every day of the week. During the season it is wall to wall traffic and wall to wall people. Mr. Manusco stated that he was not opposed to a mid-level hotel on the beach, but not within 20 feet of a \$150 million building.

Blaine McCray, a 12-year resident of Fort Lauderdale who lived at 101 South Fort Lauderdale Beach Boulevard, asked the Board to move forward in making Fort Lauderdale beach a world class resort destination. He expressed that there were adequate affordable hotel options in the Fort Lauderdale beach area, some located right on the beach. He opined that there were other places where this hotel could be placed that would be better suited.

Kaming Lok, who had lived in Broward County since 1985, said that he was drawn to the climate and lifestyle of Fort Lauderdale. Mr. Lok supported the project and felt they had

implemented changes from the feedback of the community. The project sought to provide a moderately priced alternative to the already saturated luxury and super-luxury hotels. Mr. Lok believed this project would provide the economic diversity that Fort Lauderdale had been desperately seeking.

David Ward, Miami resident, read a letter from Fred Carlson, who could not attend this meeting. Fred Carlson, a volunteer Director of Marketing and Special Projects at the South Florida Tourism Council, provided a letter summarizing his objections to the project. Mr. Carlson was very active in the Central Beach Alliance and works to "fix" the beach. Current projects included getting the Bonnet House south gate open to Breakers Avenue, improving police effectiveness on the beach and obtaining more parking for the future. It was Mr. Carlson's opinion that if this project failed, there were already 30-plus affordable hotels in the immediate area, and should not be located near existing up-scale developments.

Mr. Stresau suggested to Mr. Ward that the letter he read should be submitted to the Staff.

Ted Ward said that he was a resident of Las Olas Beach Club along with his wife, Barbara, since March of 2007. Mr. Ward expressed concerns with the developer's history of not adequately caring for its other properties located nearby the Las Olas Beach Club. He disagreed that this area was mixed use, but claimed instead it was residential, and objected to a hotel being built so close to his home.

Terrie Rosenthal, 25-year resident of Fort Lauderdale and current resident of Las Olas Beach Club, stated that she also owned a second unit at the Las Olas Beach Club that was currently up for sale. Ms. Rosenthal advised that these units had been purchased after much research and that she felt this property in particular would provide a good return on her investment. She expressed shock that a developer would place a 17-story hotel directly next to her condominium, which conflicted with the beach master plan, but is completely out of line with the development strategy that has been undertaken these past years. Ms. Rosenthal believes this property should be placed near others like it and not sharing a lot line with million dollar condominiums and, therefore, rejected this project.

Dr. Barry Rosenthal, a resident of Fort Lauderdale since 1981, and current resident of Las Olas Beach Club, is against this project and feels it should not be located 25-feet behind a million dollar per unit building, but instead should be located somewhere else.

David Bergen, a resident of Las Olas Beach Club, strongly objected to the proposed project because of the too small lot, just barely over 1/3 of an acre, and for the other reasons already stated this evening. His unit overlooked the intersection of Poinsettia and Seabreeze and he felt that the traffic was incredible, and during the season is non-stop, bumper to bumper. Adding this hotel with its main entrance to the garage on the corner of Poinsettia and Seabreeze, Mr. Bergen said, was incomprehensible.

Bruce McNamara, Chief Engineer for Las Olas Beach Club, stated that he was very concerned about have to put another staff member on to maintain the Poinsettia side of his property from the trucks that will be turning and banging the storm gutters, curbing and landscaping.

Dr. Elizabeth King, a resident of Las Olas Beach Club, advised that she had worked for the School Board for almost 20 years. She questioned how a project such as this can be proposed to be built so close to her building. She had serious concerns for increased traffic and fears she will become a prisoner in her own home.

Sumner White, a resident of Jackson Tower, stated that he was absolutely against this project. He felt it was a second rate project that did not fit being surrounded by million dollar condominiums. He expressed that people will not be able to sleep from the noise of people playing or having parties at the pool area. He also maintained that the water from the pool would be blown from the wind and would hit the windows, as it did where he resides.

John Weaver, a resident of Fort Lauderdale since 1957, maintained that this project would be the start of throwing 20 years of thoughtful development and redesign down the drain. Mr. Weaver suggested that this project was a bad idea, and that it had nothing to do with the overall vision of the beach master plan for this area. He opined that this project would be better suited at a different location. He questioned whether it was safe to dig a 40-foot hole for 3 levels of parking right next to a 300-foot building. Mr. Weaver had concerns that the pumps would run constantly to keep the water out of the parking area and questioned where the water will be run from the building.

Dr. Gordon Bartlett, a resident of the Las Olas Beach Club and professor of chemical engineering with a major in hydrology, stated that he looks below the surface and sees the problems that are going to be considered when dealing with a very low water table compared to the depth of the building, which has to go down to a depth which will completely obliterate the type of design that will accommodate the structure that has been proposed. That type of construction cannot be done for the price of \$27 million. Dr. Bartlett implored the Board to look below the surface and emphasized that the project cannot be done with the type of design that is being proposed.

Joel Gustafson handed out a portion of the Fort Lauderdale Beach Community Development Plan which was passed in 1989, to the Board. He displayed a footprint of the building and the lot, and stated that the developer was running its setback from the existing right-of-way line. He claimed that when the right-of-way was taken to address future roadway expansion, the building would be sitting at the edge of the sidewalk. Mr. Gustafson stated that he was against the project.

Meryl Herskovits agreed that there should be affordable hotels for the beach area, but stated that there are already such accommodations. Ms. Herskovits claimed that she researched through hotels.com and found that currently a stay at the Sheraton Yankee

Clipper was \$94.35, the Bahia Mar was \$123.00, Hilton Fort Lauderdale was \$159.00, Courtyard by Marriott was \$149.00, and the Hyatt Regency was \$121.20.

Martin Herskovits, a 17-year resident of Florida, had lived near the beach for the past 1-1/2 years and was a member of the Central Beach Alliance. Last November, Mr. Herskovits stated, the Cortez project was brought before the CBA for the first time. It was voted down 115 to 52, and no one from the Las Olas Beach Club was in attendance as they were misinformed of the date.

Tom Schmidt, a developer and co-owner of the Pelican Grand Beach Resort, a family resort, feels there is a need for family-type accommodations in the area and is in support of the project. He believed that a decision should be made on the basis of whether the project met Code or not.

At 9:40 p.m., Chair Maus announced that there would be a 5-minute break.

At 9:49 p.m., the meeting was called back to order by Chair Maus.

[At this time, the deferral of Item #13 was discussed out of order.]

Chair Maus asked if there were any other members of the public present who had not spoken already who would like to speak on this Item.

Andre Moissette, a resident of the Las Olas Beach Club, stated that he opposed the project. A parking solution had been proposed, yet no engineering studies had been provided. Based upon this alone, Mr. Moissette felt the project should be denied.

Barbara Ward, a resident of the Las Olas Beach Club, was concerned about privacy, given the 30-foot distance between her and the proposed project. She addressed concern that the crime rate would be higher at the Cortez property and questioned if there was a world-class Holiday Inn hotel anywhere.

Denise Fischer, an owner at the Las Olas Beach Club, advised that she strongly opposed the Cortez project.

Rebecca Hutchins, a resident of the Las Olas Beach Club, advised that she is in opposition of the Cortez project.

Joe Trano stated that he is in favor of the project. He related that he and his family go every year to stay at the beach for the 4th of July, and could not afford expensive hotels.

Melanie D'Andlea advised that her parents are residents at the Las Olas Beach Club. She is opposed to the project.

Arlene Boswell advised that she was in favor of this project because of the current economic situation and that it will employ 125 people full-time.

Chair Maus closed the public hearing at this time and advised that Ms. Orshefsky could now present any rebuttal.

Ms. Orshefsky stated that there had been a great deal of misinformation, misinterpretations and misapplication, and she would attempt to clarify that this evening.

Regarding the references to residential use and residential property, Ms. Orshefsky advised that these are two very different terms under the Code. She stated that the term "residential property" was not applicable to the project because of the way the Code defined residential property and the use of that term. Ms. Ward went on to explain the definitions of these terms in the Code.

Ms. Orshefsky next addressed the discussion as to future right-of-way along Seabreeze by easement. She introduced into the record letters from the Broward County Planning Council dated March 7th which were addressed to Mr. Tinter, signed by Henry Sneziak, stating that the right-of-way compliance via easement satisfied the requirements of the Broward County Traffic Ways Plan. This was marked as Exhibit A-11.

Ms. Orshefsky introduced a letter dated February 17, 2007 from Stan Williams, Permits Coordinator of the Florida Department of Transportation, to Mr. Tinter reiterating the previous exhibit. This was marked as Exhibit A-12.

Ms. Orshefsky asked that it be noted that, pursuant to Section 47-25.2.m.5, Adequacy Requirements, the Code specifically provides that future right-of-way can be dedicated either by a plat, a deed, or by easement. She asked Ms. Ward to explain how setback is measured in both the PRD regulations and the Beach Revitalization Plan, with which an Applicant was required to show its compliance. Ms. Orshefsky addressed the document submitted by Mr. Gustafson as being the Community Redevelopment Plan, which was an entirely different document, and did not govern the matters that were presented this evening.

Ms. Ward explained that in the Beach Revitalization Plan it specifically provided a definition for setback, on page 1.9, under Chapter 1, Design Guidelines, as being the measurement from a structure to the property line. This was also defined similarly in the ULDR, Section 47-2.o., Measurements.

Ms. Orshefsky asked Mr. Dunckel if, when an easement is dedicated, did the underlying owner's property line change? Mr. Dunckel replied, "No it does not." Ms. Orshefsky then clarified that the dedication of this easement did not in any way affect the setback measurements that Ms. Ward just described.

Ms. Orshefsky then asked Ms. Ward to provide an explanation for the FAR calculation relative to easement which was made an issue during the public hearing. Ms. Ward then referred to the Beach Revitalization Plan which provided a definition for floor area at Chapter 1, Design Guidelines, page 1.8.

Ms. Orshefsky asked Mr. Tinter to confirm whether the City, County or the Florida Department of Transportation had any plans, short-term or long-term, to widen A1A or Seabreeze. Mr. Tinter conveyed that he had checked with all such entities and there were no plans in their documents for any improvements to this section of A1A.

Mr. Tinter claimed discrepancies with the McMann report and the traffic study that was actually performed since the May, 2007 report, as 9 additional properties were included in his study. Further, Mr. Tinter stated that they are consistent with the Central Beach RAC trip count which is the measure of how much traffic is allowed on the beach.

Ms. Orshefsky advised that if the Board wished information as to the future of Holiday Inns, she would be happy to provide that. She instead asked Mr. Spencer to provide closing remarks at this time.

Mr. Spencer advised that the construction cost given earlier was the hard shell without finishes, did not include the land, and did not include the FF&E and would proffer that this would exceed over \$35 million.

Mr. Spencer summarized that what the Board really needed to look to is that this project either met the Code or it did not. This was not an issue of whether a Holiday Inn was wanted or not, but instead was whether or not factually this Application came within the ambient part of the Code which, Mr. Spencer opined, it did.

Mr. Spencer offered that anyone in the subject area near Las Olas were in the PRD. As such, they should know the development capability of nearby properties. Mr. Spencer proffered that their architect would state that the pool would not slosh, that the mechanical was covered, and the geotechnical issues would be addressed at building permit time, as they always were.

As to the Las Olas Beach Club, Mr. Spencer stated that they had been granted additional unit variances, a setback of zero from Poinsettia, additional height from 270 to 293, a reduction of parking spaces from 519 to 458, allowed to build a 330-foot building instead of 200 feet, waived setbacks on Cortez, waived beach shadow restrictions, changed and allowed a floor area ratio from 6 to 6.91, waived some of the pervious areas, etc. Mr. Spencer contended that the concerns voiced tonight were emotionally-based and not legal impediments to the Applicant complying with the ULDR.

Chair Maus returned the matter back to the Board for comment and questions.

Ms. Graham indicated that she had questions about the documents that were submitted as part of this site plan review and some questions to pose to the design professionals as to how accurate they are and what the project will truly look like by the time the geotech reports and percolation tests are completed.

Ms. Graham asked the Architect for the project, Itamar Goldenholz, of Goldenholz & Associates, if there were no structural locations for columns in the parking garage,

whether they were left out or if it was his intent to clear span the parking garage. Mr. Goldenholz responded that they did employ the transfer beam aspect above and below, while it may not be seen on a site plan design. In addition, there were more columns below and above, but they were not reflected on the site plan submittal.

Ms. Graham expressed that she wanted to make sure what was being voted on was, in fact, complete, coordinated and concise. Mr. Goldenholz assured Ms. Graham that they do have a lot of studies internal, not submitted, to make sure everything works. Ms. Graham explained that, as an architect, if she does not see these things on the drawings, she cannot necessarily assume that, in fact, they are that way.

Ms. Graham went on to outline the ways in which the plans left numerous questions as to pool deck noise, such as mechanical equipment screening and the use of cooling towers or chillers. Another concern was that being only 30-feet away from the adjacent building, noise will be created by hotel patrons using the pool deck, but also noise from the canyon effect that will be created by the corridor between the two buildings. Mr. Goldenholz advised that these issues have all been addressed very carefully by the creation of a masonry wall which will act as a visual and sound buffer at the edge of the pool deck.

Ms. Graham stated that if the lines were not on the pieces of paper before her, then she did not know what she is approving. That is precisely why other projects that were under construction on the beach were coming before City Commission for easements for relief because all the things getting connected to the street in the course of construction had created conditions that were not foreseen and addressed while it was still in the design stage.

Mr. Goldenholz reiterated that they have addressed it internally and not as a part of the submittal to the City, as it is not required at the site plan level.

Ms. Graham asked if the parking circulation was sufficient for bringing in the volume of cars without any back-up spaces that appeared to be provided on those 3 lower levels. Ms. Graham asked if this has all been thought out and that it all works. Mr. Goldenholz response was, "Very carefully, yes."

Mr. Glassman acknowledged that he did appreciate the changes from November until now, and that there was marked improvement. He confirmed that the Board had heard expert testimony on both sides, having addressed all of the ULDR criteria that must be evaluated. Currently, the beach is in a zoning in progress. Most of the beach residents were in favor of a moratorium on the beach until the Beach Master Plan is settled. Currently, the beach has been going through a Beach Master Plan study with a lot of public input. In September, that Beach Master Plan is supposed to come back to the community for a final look and a final adoption. Mr. Glassman expressed that he is having difficulty with this particular parcel at this particular time because of the zoning in progress and because it is so close to getting a Beach Master Plan that will hopefully guide the City in this neighborhood. Further, Mr. Glassman stated the area in question was the densest, most congested area of the Central Beach.

Mr. Glassman noted that issues were brought up tonight in terms of traffic and that very recently a traffic signal was installed at Cortez and Seabreeze, it being a very incredibly busy intersection. Mr. Glassman disagreed with the reference to Cortez as a so-called "people street" as it is full of trucks all day – not people. He advised that this street is now being proposed as the ingress and egress for the hotel on Poinsettia.

Mr. Glassman advised that for himself, it was boiling down to the neighborhood compatibility, and he did not believe this project meets the neighborhood compatibility threshold, which he felt this Board had every right to consider, especially in this very important part of the Central Beach. While Mr. Glassman agreed that the beach needed a moderately priced hotel, he did not feel this was the right piece of land for this particular project. For these reasons, Mr. Glassman stated, he could not support this project at this particular time on this particular site.

Ms. Golub concurred with Mr. Glassman's and Ms. Graham's comments. Having spent a great deal of time in that area recently, Ms. Golub expressed concern with traffic and is not comfortable that the traffic studies and the traffic flow are what they should be. She believed it seemed dangerous to put a single entrance hotel in this space the way it is currently configured.

Ms. Golub contended that it was her belief that the Las Olas Beach Club residents did not have the right to say this building cannot be built close to their property line because there were setbacks. She stated that setbacks were urban and one could expect these types of developments. However, Ms. Golub said, she is confused with disputes with respect to FAR, and had concerns if someone took the easement land, leaving the property with a very small piece of land with a very big building.

Ms. Golub also expressed concern as to the potential for lock-outs because what is being proposed as a moderately priced hotel has gigantic-sized suites with two bedrooms in them. If this project is viewed not as 151 rooms, but with the potential to max out the rooms for a design with lock-out potential, the parking would be inadequate, traffic studies would be inadequate and the use would be inadequate. Ms. Golub opined that if this project were to be built in this space, the Applicant would need to provide more detail. Ms. Golub indicated that she is not comfortable voting in favor of this project.

Mr. McTigue asked if the loading area were located at the valet area. Mr. Goldenholz advised that there was a separate designated loading area and that the drive into the hotel/valet area was its own separate drive. The loading zone was located at the southwest corner of the property.

Upon questioning by Ms. Graham, Mr. Goldenholz confirmed that it would not be possible for trucks to back into the loading area and that there was not a loading dock provided, nor was there a loading elevator provided. The deliveries would have to be done by hand truck and a service elevator would be utilized.

Mr. Fajardo responded to Ms. Freeman's question as to whether the Code specifically states that the property must be zoned and used as residential. Mr. Fajardo confirmed that the PRD district is not listed as a residential zoning district. It would be up to the Board to determine if a 30-foot setback is appropriate between the buildings.

Ms. Freeman asked Mr. Fajardo to respond as to easement versus right-of-way and where that setback actually was dedicated as a right-of-way or easement. Mr. Fajardo confirmed that, as the Applicant stated, the measurement is taken from the property line, not the easement line. Therefore, any dedication of easement would not affect the setbacks that are required for the zoning district.

Mr. Fajardo confirmed for Ms. Freeman that clarification had been made that it was going to be an easement rather than a right-of-way.

Mr. Glassman expressed that he believed the Board usually receives a much more detailed set of architectural drawings and voiced a concern over what had not been seen in terms of that detail on this particular set of plans. Mr. Glassman asked Mr. Fajardo if this was brought up at all and whether Mr. Fajardo has any concern that there is still a lot to be flushed out that typically this Board sees on projects of this size, such as all the systems.

Generally speaking, Mr. Fajardo responded, the civil drawings are handled at permitting, but that it would be up to the discretion of engineering to request that information up front. In this instance, engineering did not require those.

In terms of going to DRC and then Planning and Zoning, Mr. Glassman stated that the projects that this Board has been seeing in the last year have been in much greater detail and that would likely affect how this Board would make a decision. Mr. Fajardo advised that if the Board determines that they need additional information, this can be brought back at a later date with that additional information.

Motion made by Ms. Freeman, seconded by Vice Chair Adams to approve Site Plan Level IV with Staff conditions. In a roll call vote, the motion was denied 4-5 (Mr. Welch, Ms. Graham, Ms. Golub, Mr. Glassman and Chair Maus dissenting).

5. Julie and Timothy Hager / Larry Atwell and Kevin Kichar Yvonne Redding 5-Z-08

Request: * * *

Rezone RS-8 to ROA

Legal Description:

Lots 3, 4 and 5, Block 20, CROISSANT PARK, according to the plat thereof as recorded in P.B. 4, P. 28, of the Public Records of Broward County, Florida

Address

1300 and 1310 SE 1 Avenue

General Location

East side of SE 1 Avenue south of SE 13 Street

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

The Applicant, Julie Hager, advised that her property was surrounded by residential offices. There were only 5 residential properties in that immediate community, one being her property. This was a request to change the zoning of her property to ROA. In addition, her neighbor was the only other property on the block that was currently zoned residential and would also like to be zoned ROA. There are 12 properties on the block, 10 of which are already zoned ROA. It is desired that the entire block be consistent and be zoned the same as ROA.

Ms. Hager advised that there was no opposition to this change in zoning, which would allow their two properties to be consistent with the surrounding area. There were no plans to change the footprint of the buildings. In addition, Ms. Hager stated, there would be ample parking.

Yvonne Redding, City Planner, confirmed that this property was in the south RAC, which was a mixed use land use designation, which would allow the rezoning of this property to the ROA, which was a combination either professional office or residential use. This change in zoning would unify the block to ROA. Ms. Redding stated that, if approved this evening, it would go before the Commission for two readings and site plan approval for the conversion would go through DRC for unit/multi-family to be converted to office.

Chair Maus finding no questions for the Applicant or Staff, opened the hearing to the public. Finding no public wishing to speak on this issue, Chair Maus closed the public hearing and brought the matter back to the Board.

Ms. Graham asked if this would be brought back before this Board again. Ms. Redding responded that a site plan for residential office would just go to DRC, and that the Applicants were not planning on altering the buildings, but only the use.

Motion made by Mr. Stresau, seconded by Mr. Welch to approve rezoning from RS-8 to ROA. In a roll call vote, the motion was granted unanimously (9-0).

6. Holman Automotive, Inc.

Deborah Rutkowski 7-P-08

Request: **

Plat Review

Legal Description:

Parcel "A" according to the plat of "RESUBDIVISION OF BLOCKS 220 AND 221 PROGRESS" as recorded in Plat Book 60, Page 30 of the Public Records of Broward County, Florida, together with portion of Block 219, and other various parcels.

Address:

700 E. Sunrise Blvd.

General Location:

East of Federal Highway and South side of East Sunrise Blvd.

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Hope Calhoun, on behalf of the Applicant, explained that this property was formerly the King Auto Mall at Federal Highway and Sunrise Boulevard and served as a car dealership. This proposal now before this Board was a replatting of the site. The parcel consisted of two or three different portions of plats together, and the Applicant desired to make it one BMW Sunrise plat. The property was approximately 10 acres, and approximately 255,000 sq. ft. was proposed for an auto dealership.

Deborah Rutkowski, City Planner, advised that the Applicant was seeking approval of the plat to provide for new automotive sales and accessory uses. The property was currently being used for new automotive sales and service. Ms. Rutkowski advised that the Plat was consistent with all ULDR specifications and subdivision regulations.

Chair Maus questioned the Applicant as to the previous level of development, and Ms. Calhoun responded that it was 130,000 sq. ft. When asked if the ingress and egress was changing at all, Ms. Calhoun claimed it would be changing a little. Consistent with what the Department of Transportation requested, there were two openings proposed for Sunrise Boulevard. At Chair Maus' request, Ms. Calhoun showed the location of the two openings to the Board.

Chair Maus confirmed that the site plan would not be coming back to this Board. She then asked if there were any aspects of the project that were legal non-conforming, with regard to either the plat or site plan. Chair Maus then asked if the current Code would apply to the site plan.

Mr. Brewton advised that any new development subsequent to this plat approval would have to meet today's Code requirements.

Ms. Golub asked if they wanted to vacate 7th, would they not have to do this now? Mr. Brewton said that in this case the plat would vacate the street along with the plat. They

will have to come back on an official street vacation, because it has been platted previously under a different plat.

Ms. Golub asked if any service work will be done at this location. Ms. Calhoun stated that service is permitted in this zoning district, but that it would only be minor repair.

Finding that there were no members of the public wishing to speak on this Item, the public hearing was closed, and the matter was brought back to the Board.

Motion made by Ms. Freeman, seconded by Ms. Golub to approve Plat. In a roll call vote, the motion was granted unanimously (9-0).

7. 200 Brickell Ltd.

Michael Ciesielski 89-R-07

Request: **

Site Plan Level III / Approval of Signage in RAC-CC

Legal Description:

Lots 1,2,3,4, 5, and the E. 70 feet of Lots 6 and 7, and the N. 20 feet and the E. 70 feet of Lot 8, Block 26, TOWN OF FORT LAUDERDALE, P.B. "B", P. 40, Dade County, Florida

Address:

200 Brickell (SW 1 Avenue)

General Location:

SE corner of SW 1 Avenue and SW 2 Street

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Jeff Lis, on behalf of the Applicant, advised that he is back before this Board once again at the request of a potential tenant regarding signage on the building. The Applicant was asking to remove the signs at the top of the building and add 2-1/2 sq. ft. to that signage location. In addition, they would like to add 54 sq. ft. to another signage location, which would be consistent on all four sides of the building. In a third location, the Applicant would like to add 58 sq. ft. to signage. In summary, the Applicant would like to remove four signs on the top of the building that were previously approved by this Board, and are requesting that the signage under the parapet be increased by 58 sq. ft.

Michael Ciesielski, City Planner, advised the Board that on April 15, 2008, the Planning and Zoning Board approved a site plan package for this building which included the approval of ground level store signs, under canopy signs, directional signs, flat building signs and building identification ground signs.

Mr. Ciesielski stated that there were eight building identification signs immediately below the cupola at the top of the building. The Applicant was asking to eliminate four of them. Mr. Ciesielski explained that the Applicant was asking to increase the size of the remaining four signs by 2-1/2 sq. ft. each. These signs are located on the west and east elevations and are labeled A-2 and A-4 in the plans.

The second request was to increase the area of four of the flat signs by 54 sq. ft. each (from 72 sq. ft. to 126 sq. ft.), which signs are located on the west and east elevations and are labeled C-1, C-2, C-6 and C-7 on the plans. In addition, the Applicant was requesting to increase the area of the other four flat signs by 58 sq. ft., which are labeled C-12, C-13, C-16 and C-17.

Mr. Ciesielski explained that there was previously in place a special condition for approval for these flat signs on the building. Staff recommended that this condition remain in effect should the Board approve these requested changes. Specifically, the conditions were that only four flat secondary signs would be permitted at any one time and that, in addition to meeting all Code requirements for size, there shall be a limit of no more than two of these signs on any one elevation at any one time. The conditions also stipulated that there shall be no more than one secondary flat sign installed on any one elevation that is above 70 ft, 6 in.

Mr. Ciesielski confirmed that all other conditions and all other signs that were previously approved remain the same.

Ms. Graham asked if any of the relocated building signs at the top of the building illuminated. Mr. Lis responded that they would all be illuminated. Mr. Glassman asked Mr. Ciesielski if the Applicant will be able to come back and change signs as market conditions change. Mr. Ciesielski responded that as long as the conditions are met, the Applicant will be able to do so.

Finding no further questions from the Board, Chair Maus opened the matter to the public. Finding no members of the public wishing to speak, the public hearing was closed and the matter was brought back to the Board.

Motion made by Vice Chair Adams, seconded by Ms. Freeman to approve Site Plan with Staff conditions. In a roll call vote, the motion was granted unanimously (9-0).

**8. Housing Authority of Fort Lauderdale / Kennedy Thomas Lodge 21-P-07
Homes Plat**

Request: **

Plat Review

Legal Description:

Block 1, Dr. Kennedy Homes Housing Project, according to the plat thereof, as recorded in P.B. 15, P. 70, of the Public Records of Broward County, Florida, less the land described as Parcel No. 163 for Right-of-Way, in Official Records Book 9853, P. 146, of the Public Records of Broward County, Florida

Address

1004 West Broward Boulevard

General Location

South side of Broward Boulevard between SW 9 and SW 11 Avenue

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in. Mr. Stresau, having a conflict of interest, stepped down from the Board at this time.

Stephen Tilbrook, an attorney with Shutts & Bowen, representing the Housing Authority of the City of Fort Lauderdale, introduced Tam English, the Executive Director of the Housing Authority, Scott Strawbridge, and Linda Socolow, an Associate with Shutts & Bowen.

Mr. Tilbrook explained that the Dr. Kennedy Homes affordable housing site, owned by the Housing Authority of the City of Fort Lauderdale, located at 1004 West Broward Boulevard, and zoned RMM25, primarily serves as an affordable housing complex for elderly residents. There are 132 housing units at the site. Mr. Tilbrook advised that through a partnership with the Carlisle Development Group, the Housing Authority of the City of Fort Lauderdale wishes to upgrade and enhance the affordable housing product in the City of Fort Lauderdale. The Kennedy homes were built in the 1940's, during the Second World War, and are a sister development to the Dixie Court Housing Project.

Mr. Tilbrook explained that the first step in the project to enhance and upgrade these homes was to plat the property. The property was platted in 1941. For pre-1953 plats greater than 5 acres, Mr. Tilbrook said that no principal structure may be constructed without replatting, thus this property must be replatted in order to prepare for redevelopment of the site for new and enhanced affordable housing units.

The site was originally planned to accommodate 150 units, but there were only 132 units currently at the site. The "pumpkin patch" section of the site located at 9th Avenue and Broward Boulevard was never developed. The plan was to replace the 150 units initially proposed to be built at the site. The proposed density will be 17.6 units per acre. The project will be primarily for elderly qualifying for affordable housing, of which 20% will be very low income, and 80% low income.

Mr. Tilbrook indicated that there was one change that needed to be made to the Staff report because the current plat note that is proposed with the application limits the development of the site to 212 affordable housing units at the site. The maximum permitted by zoning is 212 units, with 25 units per acre. Based upon the plan to replace the current units with 150 units, not 212 units; because of the sensitivity of this site within the Sailboat Bend neighborhood; and also the potential for Broward County requirements being triggered by the additional 60 units, the Applicant was asking the Board to accept a condition that the plat note reflect 160 units, rather than 212 units. Mr. Tilbrook advised that a modified letter was submitted to Thomas Lodge this afternoon, and asked that it be made a part of the record.

Thomas Lodge, City Planner, reiterated much of what was explained by Mr. Tilbrook. The original plat note read that the plat is restricted to 212 garden apartment units, 42 very low income units, consisting of 42 3-bedroom units, and 170 low income units,

consisting of 170 3-bedroom units. The Staff found that the plat was consistent with the Comprehensive Plan and had met the requirements of Section 47-24.5, subdivision regulations of the ULDR.

Mr. Lodge advised that the change in the letter received today stated that the plat would be limited to 160 garden apartment units, 32 very low income units, consisting of 32 3-bedroom units, and 128 low income units, consisting of 128 3-bedroom units.

Responding to Ms. Freeman's question, Mr. Tilbrook advised that the project was currently 50% senior housing. When the site plan is submitted within the next month or so, the Applicant's plan is to attribute approximately 80% of the project to elderly housing. Ms. Freeman asked if the senior citizens were living in 3 bedroom units. Mr. Tilbrook explained that the plat note was identified as 3-bedroom units to allow the Applicant the greatest amount of flexibility. Within that plat note, 1-bedroom, 2-bedroom or 3-bedroom units can be constructed. Mr. Tilbrook explained that the Broward County affordable housing designation requires the identification of bedroom counts on the plat in order to qualify for the impact fee waiver. He stated that the senior living units will actually be 1-bedroom units.

Ms. Freeman asked if this would come back to the Planning and Zoning Board for future approval. Mr. Tilbrook stated that it is expected this will be a Site Plan Level II, but will also require Historic Preservation Board review as a certificate of appropriateness.

Vice Chair Adams asked if the current residents will be displaced while this project is under development. Mr. Tilbrook responded that they would, and that they will have a first option to come back. Vice Chair Adams questioned where the residents will live when they are displaced from their homes. Mr. Tilbrook indicated that they would be relocated to Dixie Court or another public housing site nearby.

Tam English, Executive Director of Fort Lauderdale Housing Authority, explained that for the relocation of residents during construction, they will identify other locations that the Housing Authority owns where they can be relocated before construction begins. With Dixie Court, 78 families were relocated in the initial process. Only one family was not relocated by the Housing Authority because that one person chose to go elsewhere on his own. Mr. English stated that the other families were relocated to other Housing Authority properties or other properties arranged by the Housing Authority.

Vice Chair Adams asked to what extent this project had been vetted with the residents of the Dr. Kennedy Homes. Mr. English acknowledged that he had meetings with the residents on 2 or 3 occasions in the last year, and that they had been supportive of the process being taken.

Vice Chair Adams asked Staff if they had been provided with any documentation that indicated that the residents support this project. Mr. Lodge said that no backup was provided from the residents or the Applicant about the support of the project. Mr. Tilbrook stated that they were just at the very beginning and did not even have a site plan yet,

however, it would be submitted within the next month or two. During that time, the project will be presented to the neighborhood association, as well as to the residents. It is expected this process will take 6 to 9 months. In addition, no tax credits have been received to do this project, so there is not yet any financing in place for this project.

Ms. Graham asked if there was anything wrong with the buildings right now. Mr. Tilbrook said it was difficult to answer that with a yes or no. Ms. Graham asked if there were some code enforcement issues with the buildings. Mr. Tilbrook advised that he was not aware of any pending. Ms. Graham asked if there was perhaps some hurricane damage from Wilma. Mr. Tilbrook stated that there was no unrepaired damage.

Ms. Graham asked if people were occupying all or almost all of the buildings. Mr. Tilbrook advised this was correct. Ms. Graham asked if the construction was going to be phased. Mr. Tilbrook indicated that he did not yet know. Ms. Graham asked how long the construction from permit for demolition to occupancy expected to take. Mr. Tilbrook said that there was a lot yet to be determined, as there was not yet a site plan.

Mr. Glassman asked what the real gain was with the project, other than for affordable housing. Mr. Tilbrook responded that there will be a net increase of approximately 20 units and there will be new affordable housing units replacing 1940's stock depreciated, dilapidated units with new units that are high end in quality.

Mr. Tilbrook confirmed that a preliminary site plan had been presented to the Sailboat Bend Civic Association, which prompted revisions, and there are plans to meet with them again.

Ms. Freeman applauded the Fort Lauderdale Housing Authority for taking the initiative to not wait until the buildings were falling down, and that because they are very low and low income housing, does not mean they have to look like they are.

Chair Maus opened the public hearing.

Paul Boggess, a resident of Sailboat Bend, stated that the historical district runs from Broward Boulevard on the north to New River. Of the entire historical district, there are approximately 540 structures in that neighborhood, and approximately 300 of those are historical (build around 1940). Out of these 300 historical homes, this project will reduce that amount by 42. He claimed that the Dr. Kennedy homes are a very important part of that neighborhood. Mr. Boggess acknowledged that he was opposed to the redevelopment of the homes.

Ms. Golub asked Mr. Boggess what he does support as to the housing on this site. Mr. Boggess claimed that the Kennedy homes had not received a bad review from the HUD Administration in Washington, and believed there to be grants to be used to restore the properties.

Mr. Glassman asked if it was Mr. Boggess' opinion that the homes could be restored to a condition that would be considered acceptable in terms of what the new product is trying to accomplish. Mr. Boggess stated that most of the houses in that neighborhood had been restored. His own home is a 1939 structure that he has repaired and kept up.

Ms. Graham asked if Mr. Boggess' house is a wood-frame house with a crawl space underneath. Mr. Boggess responded that it was.

Nolan Haan, the Vice Chair of the Historic Preservation Board of Fort Lauderdale and resident of Sailboat Bend, stated that he owns a few historic buildings which he has renovated himself. Mr. Haan was concerned about the application, specifically number 15 asking if there is anything on the site that is historic, and the Applicant circled "no." Mr. Haan would like it on the record that this is a historic site with 45 historic buildings on it. He wants to make sure that this applicant and all applicants are held to the same standard. All the residents of Sailboat Bend are obliged to renovate and maintain their historic buildings, and he feels the City Housing Authority should be made to do the same.

Elysa Plummer stated that she is a resident of Sailboat Bend, a member of the Board of the Civic Association and Chair of an internal development review committee. Ms. Plummer advised there was a brief meeting with the Board of Directors in 2006 where the project was given a very quick overview that this might be coming, but there was nothing concrete. The only other meeting of any consequence was a subcommittee meeting with her review committee, which consisted of 5 people. She confirmed there has been no contact with the Board to give any kind of formal presentation and certainly not with the general membership of the Civic Association.

Ms. Plummer referenced a letter dated June 2, 2008, from the Broward County Historical Commission, requesting and recommending a cultural resource assessment survey of the project property of the Kennedy Homes, which is to be impacted by the proposed development. It goes on to state that this survey should be conducted by a qualified cultural resource consultant capable of providing both architectural and archeological resource analysis. Ms. Plummer stated that, to her knowledge, they have not received a response to this at all. She advised that they are deeply concerned because the Kennedy homes are not only historic as a site, contributing to the Sailboat Bend Historic District, but stand on their own merits. They are one of the last of the WPA housing projects, still being used today under its original intention and functioning in the United States.

Mr. Glassman asked if Ms. Plummer considered the Kennedy homes to be within the boundaries of the Historic Sailboat Bend District. Ms. Plummer responded that they are; and, in fact, the master plan document that is used by the City shows that the Kennedy homes are well within the boundaries of the Sailboat Bend Historic District.

David Parker, President of Sailboat Bend Civic Association, reiterated that there has not been a formal meeting with the developers. Ms. Freeman asked if anyone has spoken to

any of the residents of the Kennedy homes. Mr. Parker confirmed that they have themselves spoken with the residents, but acknowledged there has not yet been a general meeting and they have not asked the residents if they would like to keep their homes as they currently are. Ms. Freeman explained that she would have liked to hear from the people that have to live in those homes.

Ms. Graham stated that perhaps some of those residents might have come tonight if this was a real public hearing for a site plan review, but because it is only the plat, they may not even realize this is going on. She opined that the residents are there because economically that is what they can afford and believed it presumptive of the Board to think that all of them might want something new and improved.

Charles Jordan, a resident of Sailboat Bend, suggested that this does need to be investigated as he believed the residents do not want to see the Kennedy homes torn down. Mr. Jordan offered that the Dr. Kennedy homes are and always have been an integral part of the Sailboat Bend Historic District. He suggested that this plat review should be presented to the Historic Preservation Board along with the site plan, and then presented to the Planning and Zoning Board.

Mr. Glassman asked Mr. Jordan to estimate the cost of renovation of the project to bring it up to the necessary standard versus the cost of demolition and new construction. Mr. Jordan expressed that without having the facts, he could not provide the cost of the new construction. Mr. Jordan stated that all those buildings can be renovated and brought up to a much better standard. Mr. Jordan believed that the cost of renovation would be comparable or less than new construction.

Ms. Graham asked Mr. Jordan whether the buildings are being repaired up to the existing Code, and if it is correct that they do not have to be brought up to the new Code unless the threshold is exceeded that required the alteration level III. Mr. Jordan confirmed that was correct and that there are specific sections of the Code that deal with older buildings.

Ms. Freeman asked if the Fort Lauderdale Housing Authority was "not-for-profit." Mr. Tilbrook stated that, "Yes, it is a government entity." He advised that its charge is to provide high quality, affordable housing for the residents of the City of Fort Lauderdale.

Mr. Glassman asked if the Housing Authority had actually taken a look at the cost of renovation/historic restoration versus demolition and new construction. Mr. Tilbrook expressed that he was a preservationist at heart, as well. He responded that they had looked in detail at the deferred maintenance of those buildings and what it would cost to bring them up to current standards, not only for life safety, but also to quality living standards. Mr. Tilbrook acknowledged Scott Strawbridge, the Certified General Contractor, who indicated that the cost to bring those structures up to current life safety standards would be \$25 million. Mr. Glassman asked the cost of demolition and new construction. Mr. Tilbrook expressed that there simply is no funding through HUD for adaptive reuse of 1940's stock affordable housing units that have lived past their prime. The funding that is available is tax credits for new construction and new quality units that

provide quality, affordable housing for people in today's market. Mr. Glassman asked if HUD would not allow the project to go for historic tax credits on property such as this, or perhaps tap into other historic tax credits either statewide or nationwide. Mr. Tilbrook advised that they know of no historic tax credits that can provide \$25 million value to restore these units just to live safety standards.

Mr. Glassman again asked the anticipated cost of demolition and new construction. Mr. Tilbrook claimed that they have not yet done the cost estimates. Mr. Glassman remarked that this was tough for him, but feels this really could be a win/win for everybody. He admitted that his personal opinion of Fort Lauderdale for historic preservation is not a positive one, and yet it does not appear that the Board ever looks to get beyond that.

Mr. Glassman believed there to be a project in Houston very similar to this that actually became an artists' colony. He contended that "we should get beyond the mindset that it is old and should be demolished." Mr. Glassman advised that he was not going to support this plat because he thinks "we can do better and that we need to set an example." He feels this is a perfect opportunity to "get outside of the box on a project like this and to do the right thing."

Vice Chair Adams believed the idea to improve the affordable house stock and to fulfill their mission as the Fort Lauderdale Housing Authority was a great idea. She did address several concerns, such as the lack of communication with the residents of the Dr. Kennedy homes. She acknowledged that she does not support projects where there is not proactive and extensive public involvement and public input.

Vice Chair Adams offered the Applicant the opportunity to defer this item until some additional information and other questions that have been raised by members of this Board can be answered, which would also give the Applicant the opportunity to speak to the residents about their plans.

Mr. Welch advised that he does support the idea of deferring this tonight if the Applicant was interested in doing so.

Mr. Brewton acknowledged that this Board does have the authority to request any other additional studies that they deem to be necessary to make their decision as to how to vote on the application.

Mr. Welch added that he would definitely like to see some more investigation and some dialog with the residents that are currently living in the homes and to get some feedback from them.

Mr. Tilbrook asserted that this was a plat review, which concerned platting the property in order to enable a principal structure to be built there which cannot be built there under the current plat. The Applicant was seeking a plat in order to allow the construction of any principal structure. Mr. Tilbrook asserted that there was no site plan. He offered that the Applicant was more than willing to continue dialogue with the neighborhood and that the

Applicant would be able to bring back a conceptual site plan. He contended that it would be dangerous to offer architectural design at the time of plat review because there was a long time to go before architectural design is finalized.

Mr. Tilbrook acknowledged that the Applicant would still like to be heard tonight and have a vote on this, but was sensing that there was a desire for additional outreach, and the Applicant was willing to do that.

Mr. Brewton explained to the Board that if additional information was needed in relation to the plat, or if feedback was needed from other individuals regarding the plat, the Board can require those things to be done.

Mr. Tilbrook expressed that the Applicant was open to a continuance, but would like to know what more the Board would like to hear about the plat.

Mr. Glassman stated that he would also support a deferral, as he believed more information is needed.

Besides the outreach to the residents, Chair Maus asked what other items the Applicant should be researching.

Mr. Welch indicated that he was still concerned that if the Board was going to make a plat decision that was inside the Historic District, that the Board needed more information regarding this property at large and whether or not this was something that was really necessary. He questioned whether these 1940's homes could be rehabbed or not be rehabbed. He stated that the other forms of funding to do this rehabbing does factor in with this case.

Chair Maus summed up that if the Applicant were to move to defer, and the Board approved that request, the Applicant would have the ability to perform further outreach with the neighborhood, and it could come back to the Board after that outreach. Then, if the Board so chose, at that time, could the Board approve with the condition that the plat had to be reviewed by the Historic Preservation Board? Mr. Dunckel advised that this could not be a condition.

Mr. Tilbrook said that he felt the Applicant had enough input to understand the types of information that the Board would like the Applicant to provide. He went on to state that he did not feel it appropriate to press the Board for a vote tonight because of the questions that had been raised. Mr. Tilbrook said they would do their best to answer the questions within the context of the plat, but the plat itself does not affect historic structures and that is where the Applicant has challenges. Mr. Tilbrook advised that they would be requesting a deferral to the August 20, 2008 meeting of the Planning and Zoning Board.

Mr. Tilbrook asked if they could be the first item on the Agenda. Chair Maus advised that she believed there to be eight items already on the Agenda.

Motion made by Vice Chair Adams, seconded by Mr. Glassman to defer this Item until the August 20, 2008, Meeting of the Planning and Zoning Board. In a voice vote, the motion was granted 5-3 (Mr. Stresau abstained due to conflict; Ms. Graham, Mr. Glassman and Ms. Golub dissenting).

9. Jerry Lobel / Dejohn / Enterprise Plat

Thomas Lodge 14-P-08

Request: **

Plat Review

Legal Description:

The west 46.52 feet of Lot 12, and the east 43.48 feet of Lot 13, Block H, of amended plat of portions of Lauderdale Manors Addition, and Block 158, Chateau Park, Section-B, according to the plat thereof, recorded in P.B. 31, P. 26, of the Public Records of Broward County, Florida

Address

1241 West Sunrise Boulevard

General Location

North side of West Sunrise Boulevard between NW 9 Avenue and NW 15 Avenue

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Irma Matos of Rhon Ernst Jones/IBI Group, on behalf of the Applicant, advised that this matter concerned a plat review. She state that the existing building was vacant at this time, and that the proposed use was as an Enterprise Rent-A-Car agency, which was an allowed use within the B-1 District. Ms. Matos stated that a variance was granted on May 12 to allow a 90-ft wide lot, where Code required a 100-ft. wide lot for auto rental agencies.

Thomas Lodge, City Planner, advised that there was a proposed plat note restriction as follows: "The plat is restricted to 5,000 sq. ft. of commercial use." He stated that the Staff found that the plat was consistent with the Comprehensive Plan and conformed to the requirements of Sec. 47-24.5 of the ULDR, subdivision regulations.

Finding no members of the public wishing to speak, Chair Maus closed the public hearing and brought the matter back to the Board.

Motion made by Ms. Golub, seconded by Mr. Glassman to approve Plat. In a roll call vote, the motion was granted 8-1 (Vice Chair Adams dissenting).

10. **Pine Crest Central Energy Plant / Pine Crest
Preparatory School, Inc.**

Adrienne Ehle 48-R-08

Request: **	Site Plan Level III / Addition to Existing School Facility / CF-S
Legal Description:	Parcel 2: Parcel "A" of PCS Plat, according to the plat thereof as recorded in P.B. 142, P. 44, of the Public Record of Broward County, Florida; together with those certain vacated Rights-of-Way lying adjacent to NE 62 Street as shown on said plat of PCS Plat, and more fully described in Ordinance No. C-97-42 recorded in Official Records Book 27309, P. 419, of the Public Records of Broward County, Florida
Address	1501 NE 62 Street
General Location	East of Dixie Highway at the Northwest corner of NE 62 Street and NE 18 Avenue

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Robert Lochrie, on behalf of the Applicant, explained that tonight's request involved a small portion of this site, specifically .47 acres. The Applicant was requesting approval for the construction of buildings which would enclose and house the chill room, electrical room and the storage locker room for the facility. Existing on the site is approximately 522,000 sq. ft. of building area, and this would be an addition of 4,665 sq. ft. The new construction would be adjacent and north of the lower school swimming school, the lower school equipment room and the locker rooms.

Mr. Lochrie stated that the planned architectural design would mimic the rest of the school, with brick and painted stucco and would be designed with environmental design concerns. He advised that City Staff requested that, as part of the neighborhood compatibility provisions, the Applicant continue a wall which existed around the property to reach between the adjacent residential properties and the Applicant's property. These residential properties are owned by the school.

Adrienne Ehle, City Planner, reiterated much of what Mr. Lochrie explained, but did bring to the Board's attention a correction in the Staff report wherein the Applicant has provided a letter to confirm that replatting is not required from the Broward County Planning Council, or the School Board. In addition, they are subject to adequacy neighborhood compatibility and waterway use, as the property abuts a waterway. Ms. Ehle did state that the proposed building is very far away from the water, it not even being visible from the area in question.

Finding no members of the public wishing to speak on this item, the public hearing was closed. The matter was brought back to the Board.

Motion made by Ms. Freeman, seconded by Vice Chair Adams to approve Site Plan Level III. In a roll call vote, this motion was granted unanimously (9-0).

11. Annexation Areas – Rezoning of Non-Residential Properties – Melrose Park Terry Burgess 8-Z-08

Request: ** *

Rezoning:

Broward County B-2 to City of Fort Lauderdale B-1

Broward County I-1 to City of Fort Lauderdale CF-H

Broward County RM-15 to City of Fort Lauderdale CF

Broward County RS-5 to City of Fort Lauderdale CB

Broward County B-2 to City of Fort Lauderdale CF

General Differences:

B-2 to B-1: If rezoned will prohibit Bus Terminals, Convenience Stores, Dinner Theater, Essential Services and Utilities, Medical Research Laboratory, Mobile Collection Center, Nightclub, Places of Worship, Recording and Broadcast Studio, Schools, Shopping Center, Skateboard Facility, Skating Rink, and Wireless Communications Facilities, which are permitted under current zoning.

I-1 to CF-H: If rezoned will prohibit Civic and Cultural Centers, Community Residential Facilities, Educational Centers, Fire Protection Facilities, Governmental Administration Offices, Health Clinics, Libraries, Museums, Art Galleries, Public Parks, Police Protection Facilities, and Wireless Communication Facilities, which are permitted under current zoning.

RM-15 to CF: If rezoned will prohibit all Residential Dwellings, Golf Courses, Temporary Sales Office, Home Offices, Yard Sales, Bed and Breakfast, Off-site parking lots and Outdoor Events, which are permitted under current zoning.

RS-4 to CB: If rezoned will prohibit Single-Family Dwellings, Golf Courses, Family Day Care Homes, Home Office, Temporary Sales Office, Yard Sales, Off-site Parking Lots, Outdoor Events and Wireless Communications Facilities, which are permitted under current zoning.

B-2 to CF: If rezoned will prohibit Adult entertainment, Adult Video Store, Amusement Center, Amusement Park, Appliance Store, Auction house, Auditorium, Automobile, Truck, and RV Sales, Rental or lease, Automobile detailing, repair garage, paint shop or body shop, Awning and Canvas shop, Bank or financial institution, Bar, Lounge, Barber Shop, Beauty Shop, Bakery, Billiard Center, Pool Hall, Bingo Hall, Boarding and Breeding Kennels, Boat Buildings with repair or dry storage, Boat Sales, Bookstore, Newsstand, Bottled Glass Storage, Filling or distribution, Bowling Center, Bus Terminal, Car wash, Catering, Clothing Store, Coin Laundry, Convenience store, Courier Service, Dance Club, Delicatessen, Department Store, Dinner Theater, Dry cleaner or laundry, Electronics sales or repair, Flooring Store, Florist, Funeral Home, Mortuary, Furniture Store, Gasoline Station, Gym or Fitness Center, Hardware Store, Hobby or Craft Store, Laboratory, Lawn or Garden Shop, Library, Museum, Art Gallery, Nightclub, Offices, Package Liquor Store, Parts Store, Pharmacy, Plant and Produce Sales, Post Office, Photocopy Center, Recording or Broadcasting Studio, Repair Shop, Restaurant, Retail Store, Shopping Center, Skateboard Facility, Skating Rink, Supermarket, Swimming Pool, Theater, Tool Rental, Upholstery shop, Veterinary clinic, Video Store Wireless Communication Facility, which are permitted under current zoning.

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Eric Silva, City Planner, explained that the purpose of this Item was to rezone properties in the Melrose Park area with City zoning. Last December an application was brought to this Board to look at the residential properties in Melrose Park, which item was approved at that time by the Board.

Mr. Silva explained that the request before the Board tonight related to the non-residential properties. He advised that in the center of Melrose Park is a church with an elementary and pre-school. The Staff report should be corrected to note a request for CF-HS, rather than CF-H.

Mr. Silva referred to a B-1 strip along Broward Boulevard. The Staff report incorrectly stated that Places of Worship would be prohibited when, in fact, they will be allowed in the City zoning of B-1.

Chair Maus opened the public hearing. Orlinto Gross, Pastor of New Hope Seventh Day Adventist Church, which is the church in the center of Melrose Park, said that the rezoning indicated that there should be no educational center. This is a concern and he questioned how it will impact the school that is being operated at the Church.

Mr. Silva advised Pastor Gross that this had been addressed by changing the zoning to CF-HS, so that the school will be permitted at the property.

Chair Maus confirmed with Mr. Silva that the rezoning posed no problem to the existing functions of the church and the school.

Finding no additional members of the public wishing to speak, the public hearing was closed by Chair Maus. The matter was brought back to the Board.

Motion made by Vice Chair Adams, seconded by Ms. Golub to approve rezoning as referenced above. In a roll call vote, the motion was granted unanimously (9-0).

12. Annexation Areas – Rezoning of Non-Residential Properties – Riverland Road Terry Burgess 9-Z-08

Request: ** *

Rezoning:

Broward County A-3 to City of Fort Lauderdale U
Broward County B-1 to City of Fort Lauderdale CB
Broward County B-3 to City of Fort Lauderdale P
Broward County I-1 to City of Fort Lauderdale CF-S
Broward County S-1 to City of Fort Lauderdale P
Broward County RS-5 to City of Fort Lauderdale CF-H
Broward County RS-5 to City of Fort Lauderdale CF-S

General Differences:

A-3 to U: If rezoned will prohibit non-profit Neighborhood Social and Recreational Facilities, Golf Courses, Place of Worship, Temporary Sales Offices, Off-Site Parking Lots and Wireless Communication Facilities, which are permitted under current zoning.

B-1 to CB: If rezoned will prohibit Accessory dwellings.

B-3 to P: If rezoned will prohibit Adult entertainment establishments, Adult video store, Amusement center, Appliance store (major), Art gallery, Auction house,

Automobile, truck and recreational vehicle accessories; sales and installation, Automobile detailing or cleaning (other than automated car washes), Automobile repair garage (mechanical), Bank or financial institution, Bar, lounge, tavern or pub, Barber shop, beauty salon, nail salon, Bakery, retail, Billiard center or pool hall, Bingo hall, Blood bank, Boarding or breeding kennel, Boat sales, Bookstore, newsstand, Bowling center, Bus terminal, Car wash, Catering or food delivery service, Child care center, Clothing store, Club, private bottle, Club, private fraternal or lodge, Coin laundry, Commercial Water parks, Convenience store, Courier service, Dance club, Delicatessen, Department store, Dinner theater, Dry cleaning or laundry drop-off and pick-up, Electronics sales or repair, Employment agency, Employment agency, day labor, Escort or dating service, Essential services and utilities, Flea market, indoor, Flooring store, Florist,

Funeral home, Furniture store, Gasoline station, Glass and mirror shop, Gym or fitness center, Hardware store, Hobby or craft store, Home improvement center, Hotel or motel, Laboratory, Lawn and garden shop, Library, Marina, Mobile collection center, Mortuary, Museum, Nightclub, Offices, Package delivery service, Package liquor, Parts store, Pawnshop, Personal service shops, Pest control service, Pharmacy, Places of worship, Plant or produce sales, Post office, Photocopy or small job printing shop, Recording or broadcasting studio, Repair shop, household and personal items, Restaurant, Retail store, School, Shopping center, Skateboard facility, Skating rink, Supermarket, Swap meet or outdoor flea market, Swimming pool supplies, Tattoo shop, Theater, Tool rental, Upholstery shop, Union hall, Vehicle sales, rental or leasing, Veterinary clinic, Veterinary hospital, Video store, Warehouse, self-storage, Wholesale stores, Wireless communication.

I-1 to CF-S: If rezoned will prohibit Adult day care, including commercial facilities, Civic and cultural centers, Community residential facilities, Educational centers, Essential services, Fire protection facilities, Governmental administration offices, Health clinics, Library, museum, art gallery, Public parks, Place of Worship, Police protection facilities, Wireless communication facilities

S-1 to P: If rezoned will prohibit Essential services and Restaurant.

RS-5 to CF-H: If rezoned will prohibit Family detached dwelling, Community residential facility, Essential services, Nonprofit neighborhood social and recreational facilities, Golf course, Family day care home, Temporary sales offices

RS-5 to CF-S: If rezoned will prohibit Family detached dwelling, Community residential facility, Essential services, Nonprofit neighborhood social and recreational facilities, Golf course, Family day care home, Places of worship, Temporary sales offices, Wireless communication facilities.

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Eric Silva, City Planner, explained that the purpose of this Item was to assign City zoning to the Riverland Road area. Back in December of 2007, this Item was before the Board as to the residential properties. Tonight's hearing related to the non-residential properties.

There was one correction to the Item, relating to St. Ambrose Church at the corner of Riverland Road and 31st Avenue, which should be changed to CF-HS instead of CF-H, as they operate a preschool at the Church.

Finding no members of the public wishing to speak on this item, the public hearing was closed by Chair Maus.

Motion made by Mr. Welch, seconded by Ms. Golub to approve rezoning as referenced above. In a roll call vote, the motion was granted unanimously (9-0).

13. City of Fort Lauderdale / Proposed New Zoning District – RS-8B Adrienne Ehle 11-T-08

Request: ** *

Creation of New Residential Zoning District – RS-8B

Description:

An ordinance amending the Unified Land Development Regulations, Sections 47-5.2, 47-5.11 and 47-5.31 to create a new RS-8B zoning district.

Rod Loschiavo, on behalf of the Applicant, requested this Item be deferred until the next meeting of the Planning and Zoning Board. Chair Maus advised that the City Commission is not in session in August and the August agenda of the Planning and Zoning Board meeting is quite full and, as such, asked Mr. Loschiavo if September would be acceptable. Mr. Loschiavo agreed to defer until September.

Motion by Vice Chair Adams, seconded by Mr. Welch to defer this Item to the September 17, 2008, Planning & Zoning Board Meeting. In a voice vote, the motion was granted unanimously (9-0).

14. For the Good of the City

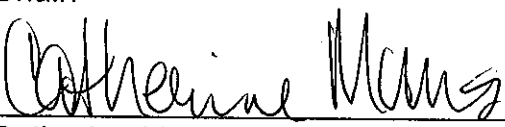
Chair Maus asked Mr. Brewton not to give the Board 13 agenda items to consider, especially when there is a beach project within the agenda.

Mr. Stresau explained to the Board that there was an application before the Board of Adjustment for a windmill to be constructed in Rio Vista, and two years ago there was a request for a windmill to be constructed in Victoria Park. Both of these requests were denied as the applicant had failed to produce the evidence required in order to circumvent a State Statute. Mr. Stresau felt that it was only a matter of time before someone brings an application that meets all the standards, and asked that this Board consider this and send some kind of message to the City Commission that they need to have their legislative people in Tallahassee approach the particular State Statute and try to define whether or not this City will allow windmills.

Motion by Ms. Golub to defer this matter to a later date, seconded by Ms. Adams.

There being no further business to come before the Board, the meeting was adjourned at 12:34 a.m.

Chair:


Catherine Maus

Attest:


Brigitte Chiappetta, Recording Secretary